

ANIMAL LAW &
POLICY PROGRAM
HARVARD LAW SCHOOL



**LEGISLATIVE ANALYSIS
OF H.R. 4879:
THE “PROTECT INTERSTATE
COMMERCE ACT OF 2018”**

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AUTHORS & ACKNOWLEDGEMENTS

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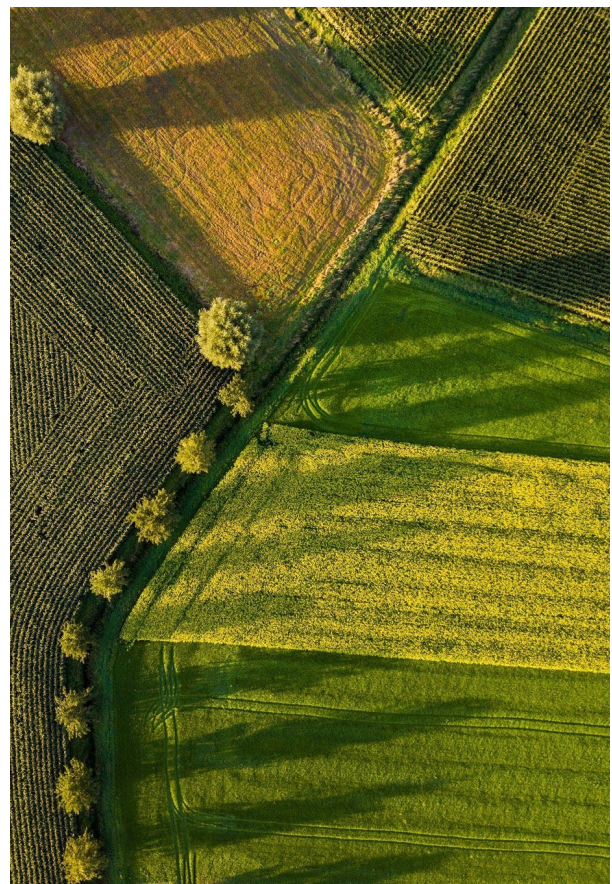
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ABOUT THE PROGRAM

The Harvard Law School Animal Law & Policy Program is committed to analyzing and improving the treatment of animals by the legal system. The Program engages with academics, students, practitioners, and decision makers to foster discourse, facilitate scholarship, develop strategic solutions, and build innovative bridges between theory and practice in the rapidly evolving area of animal law and policy. For more information, visit <http://animal.law.harvard.edu/> or contact us at alpp@law.harvard.edu.



EXECUTIVE SUMMARY

States long have had authority to regulate the health, safety, and morals of goods sold within their borders regardless of their state or country of origin. The Protect Interstate Commerce Act of 2018 (“PICA”), proposed by Representative Steve King (R-Iowa), would fundamentally transform the balance of regulatory authority between the states and the federal government by eliminating virtually all state legislative police powers with respect to any agricultural product entering a state for sale.

For decades the federal Commerce Clause has provided an important check on state attempts to impose excessive regulations upon products that move in interstate commerce. The federal courts have carefully examined state laws and regulations affecting interstate commerce, and concluded that such laws are prohibited only where they discriminate against out-of-state products or where their in-state benefits are clearly outweighed by the law’s impact on the interstate market. As with all questions about the proper scope and interpretation of the Constitution, these decisions are the sole province of the judiciary.

The Protect Interstate Commerce Act seeks to reinterpret these longstanding Constitutional standards with regard to the interstate commerce of agricultural products. The bill would dispense with the Supreme Court’s discrimination and balancing tests for interpreting the Commerce Clause and replace them with a scheme whereby any state law that touches out-of-state agricultural producers would be prohibited unless it mirrors federal law or the laws in the state of production. In order to enforce this change in Commerce Clause jurisprudence, the bill includes a broad citizen-suit provision that authorizes any person to sue state and local officials to block regulation of agricultural products, and also obtain monetary damages against state and local governments.

Despite its simple appearance, the wording of PICA creates a host of interpretive questions that will need to be resolved in the courts. Because the scope of the phrase “agricultural products” is so broad, the bill has the potential to void thousands of state and local laws concerning public health and safety, including many laws that have not yet been identified and are unlikely to be the intended targets of the bill. If enacted, PICA also could face significant constitutional challenges. This is especially true with regard to the provision authorizing awards of monetary damages against state and local governments for attempting to exercise their legislative police powers with regard to agricultural products.

Although some producers might benefit from the enactment of PICA, the potential for market disruption and uncertainty is very high and could adversely impact a host of small and large business enterprises. These same market disruptions could have significant impacts on consumer choice, the cost of food commodities, food safety, and many other important health, safety, and welfare interests.

As discussed in the section-by-section analysis below, PICA could affect everything from commercial fishing regulations to lumber sales. The definition of “agricultural product” includes “agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products.” However, it also includes “any and all products raised or produced on farms” regardless of their type or origin. Even ammunition, fireworks, and cigarette sales could fall within the bill’s expansive language. In addition to manufacturing, PICA also may erase long-standing state laws and regulations concerning food safety, licensing, packaging, record keeping, and the transport of agricultural products. Finally, because a large number of products include small amounts of agricultural products within them (like the glue in running shoes), PICA is likely to have cascading effects far beyond the core farm commodities it is intended to protect.

OVERVIEW

- Representative Steve King drafted the Protect Interstate Commerce Act (“PICA”), in part, to target a California law regarding the housing of egg-laying hens, but its reach would be much broader.
- PICA rewrites longstanding dormant Commerce Clause jurisprudence to expand the scope of federal preemption of state and local agricultural laws concerning traditional agricultural products, but would also affect numerous non-target products that contain trace amounts of agricultural products.
- PICA would prevent state or local governments from regulating an agricultural product except to the extent it is already regulated by federal law and the law of the producing state.
- The bill’s scope and precise meaning are uncertain, but its impacts will be felt far beyond traditional agricultural commodities.



EXAMPLES OF POTENTIAL STATE LAWS PREEMPTED BY PICA



NARCOTICS LAWS

(opioid & hallucinogenic drug prohibitions)



FOOD QUALITY AND SAFETY REGULATIONS

(arsenic in citrus, expired infant formula, & pet food purity standards)



ZOONOTIC AND INFECTIOUS DISEASE LAWS

(honey bee diseases, chronic wasting disease, avian flu, & viral hemorrhagic septicemia)



INVASIVE PEST PROTECTIONS

(glassy-winged sharpshooter, phony peach disease, & emerald ash borer)



FOOD PACKAGING REGULATIONS

(BPA-free container requirements for baby food)



PRODUCT TRANSPORTATION LAWS

(secure containers for animal carcasses & grease)



FISHING REGULATIONS

(catch limits, permitting, & equipment restrictions)



PROCUREMENT LAWS AND BUYER RESTRICTIONS

(government contracting preferences & tobacco age limits)



FOOD LABELING REGULATIONS

(date labeling & wild rice labeling)



LICENSING AND PERMITTING OF BUSINESSES

(professional licensing & pet sellers)



OTHER AGRICULTURAL PRODUCT REGULATIONS

(mattresses, stuffed toys, clothing, & bedding safety)



COMMERCIAL RECORDKEEPING REQUIREMENTS

(date or location of production, animal pelts)

QUESTIONS

- Key terms are not defined in the bill, making it unclear exactly which state and local laws would be affected.
- PICA would limit state authority to regulate “agricultural products,” but the definition of this term is too broad to predict the full scope and impact of PICA.
- The definition of “agricultural product” includes “agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products.” However, it also includes “any and all products raised or produced on farms” regardless of their type or origin.
- PICA has no exemption for products with only de minimis agricultural ingredients. Because many products contain agricultural products within them (like lip balm, toothpaste, and deodorant), PICA could have cascading effects far beyond farm commodities.

ENFORCEMENT

- PICA provides for citizen suits and awards of monetary damages against state and local governments, which likely violates the Eleventh Amendment.
- PICA reverses longstanding presumptions that favor state legislative authority and authorizes injunctions against state officials without any showing of irreparable harm or a likelihood of success in the case.

- PICA could allow for retroactive damage claims against state and local governments dating back ten years—i.e. it potentially could punish state and local actors for legislative acts taken a full decade prior to PICA’s enactment.

POTENTIAL EFFECTS

- The language of the bill is broad enough to repeal thousands of state and local public health and safety regulations, many of which protect local producers from disease, pests, and other agricultural threats.
- The language of the bill could have significant collateral impacts on other areas of state law, including narcotics, commercial fishing, food and product safety, and professional licensing.
- PICA would prevent states from enacting new regulations with any connection to agricultural products or ingredients even when necessary to protect local health and safety.
- While some producers stand to benefit from PICA, many other producers will suffer from its passage. Although some consumers may see lower prices for certain products, economic disruptions caused by the bill could increase prices for other consumer goods.
- PICA would cause significant regulatory uncertainty and spawn protracted litigation.
- PICA would shift the balance of federalism away from the states with respect to any product containing agricultural ingredients.

I. INTRODUCTION

On January 25, 2018, Representative Steve King introduced H.R. 4879: The Protect Interstate Commerce Act of 2018, known as “PICA.”¹ PICA’s stated purpose is deregulation: “to prevent States and local jurisdictions from interfering with the production and distribution of agricultural products.”² Representative King previously introduced a bill similar to PICA that has since been broadened.³ The 2015 version of PICA was introduced with eight Republican co-sponsors and the support of one Democrat, but did not advance out of the agriculture committee.⁴ The closest PICA’s provisions have come to passage was when they were added as the “King Amendment” to the House version of the 2014 U.S. Farm Bill.⁵ In the face of strong opposition by several Democratic Senators, the King Amendment ultimately was removed in conference committee from the enacted version of the 2014 Farm Bill.⁶ With the Farm Bill renewal now underway in 2018, PICA again has been added as an amendment to the House version of the larger Agriculture and Nutrition Act of 2018 (H.R. 2).



¹ Protect Interstate Commerce Act of 2018, H.R. 4879, 115th Cong (2017-18), *available at* <https://www.congress.gov/bill/115th-congress/house-bill/4879>.

² Protect Interstate Commerce Act of 2018, H.R. 3599, 115th Cong (2017-18), *available at* <https://www.congress.gov/bill/115th-congress/house-bill/3599/text>.

³ ProPublica, *available at* <https://projects.propublica.org/represent/bills/115/hr3599>.

⁴ Protect Interstate Commerce Act, H.R. 687, 114th Cong. (2015-16), Bill History - Congressional References, *available at* <https://www.congress.gov/bill/114th-congress/house-bill/687/all-actions?q=%7B%22search%22%3A%5B%22steve+king%22%5D%7D&overview=closed#tabs>.

⁵ Jenny Hopkinson, *King Amendment could be farm bill deal breaker – Intense lobbying threatens farm bill*, Politico (Dec. 4, 2013, 10:02 AM), *available at* <https://www.politico.com/tipsheets/morning-agriculture/2013/12/king-amendment-could-be-farm-bill-deal-breaker-intense-lobbying-threatens-farm-bill-212543>.

⁶ Ken Anderson, *‘King Amendment’ Left Out of Farm Bill*, Brownfield Ag News (Jan 28, 2014), *available at* <https://brownfieldagnews.com/news/king-amendment-left-farm-bill/>.

II. FACTUAL BACKGROUND

Representative King represents the Fourth District of Iowa, which produces more eggs than any other district in the country.⁷ In 2008, California voters passed Proposition 2, known as the “Prevention of Farm Animal Cruelty Act,” which imposed space requirements for egg-laying hens as well as for veal calves and certain pigs kept for breeding.⁸ In 2010, Governor Schwarzenegger signed California Assembly Bill No. 1437 into law (the “California Egg Law”). A.B. 1437 applied Proposition 2’s requirements to all eggs sold in the state of California, thereby holding out-of-state producers to the same standards as in-state egg producers.⁹ In order to continue selling eggs in California, Iowa egg producers in Representative King’s district subsequently would have to meet the state’s increased housing standards for laying hens.

Several state and federal legal challenges followed. This included cases alleging that California’s farmed animal housing requirements constituted a violation of the dormant Commerce Clause by imposing an impermissible burden on out-of-state producers. However, to date, none of these challenges has been successful.¹⁰

Since the passage of the California Egg Law, Representative King has worked to overturn it, noting that the “best way [to do so] was to pass a legislative fix.”¹¹ In support of PICA, King offered the bill as a solution that would “reaffirm [federal] supremacy in interstate commerce” and mitigate “the serious economic harm the California law is currently causing to egg producers and consumers in Iowa and elsewhere.”¹²

⁷ King: *Agricultural Roots Run Deep in Iowa*, steveking.house.gov (Mar. 20, 2013), available at <https://steveking.house.gov/media-center/press-releases/king-agriculture-roots-run-deep-in-iowa>.

⁸ See generally Jonathan R. Lovvorn & Nancy V. Perry, *California Proposition 2: A Watershed Moment for Animal Law*, 15 Animal L. 149 (2009).

⁹ Assemb. Bill 1437, Calif. Gen. Assemb., (2009-2010), available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB1437.

¹⁰ A six-state coalition, which included King’s home state of Iowa, had their challenge dismissed by a Ninth Circuit panel for lack of standing. (*U.S. Judge Dismisses 6-State Suit Over California Egg Law*, The New York Times (Oct. 4, 2014), available at

<https://www.nytimes.com/2014/10/04/business/us-judge-dismisses-6-state-suit-over-california-egg-law.html>).

Thirteen states have recently filed a new lawsuit against the State of California, alleging similar constitutional violations, but the Supreme Court has not yet decided whether to hear the case. (*The Latest: 13 States Challenge to California Egg Law*, wtop.com (Dec. 4, 2017, 5:39 PM), available at

<https://wtop.com/national/2017/12/the-latest-13-states-challenge-to-california-egg-law/>).

¹¹ King: *Litigation Was Inevitable But It Isn’t The Only Option*, steveking.house.gov (March 6, 2014), available at <https://steveking.house.gov/media-center/press-releases/king-litigation-was-inevitable-but-it-isnt-the-only-option>.

¹² King: “*The Constitution Grants the Power to Regulate Interstate Commerce to Congress, Not to California*” (July 2, 2017), available at <https://steveking.house.gov/media-center/press-releases/king-the-constitution-grants-the-power-to-regulate-interstate-commerce>.

III. LEGAL BACKGROUND

State and local governments are free to regulate agricultural products and production except where preempted by federal law.¹³ So long as these regulations do not discriminate against out-of-state producers or place an undue burden on interstate commerce, a state generally may regulate to serve its interests despite incidental or indirect effects on interstate commerce.¹⁴

The right of states to regulate their own markets has been inferred from their Tenth Amendment powers, and their authority to do so has been recognized even in cases where state laws have “substantial effects on interstate commerce.”¹⁵ As James Madison wrote in Federalist 45, “The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.”¹⁶

Traditionally, states have enjoyed broad authority to legislate for the health, safety, and morals of their citizens. However, where state legislation favors local interest at the expense of out-of-state parties and interferes with interstate trade, such a law may be challenged under the dormant Commerce Clause.¹⁷ When an alleged violation of the dormant Commerce Clause occurs, courts must weigh the national interest against interests of the state and determine whether the state law places an unreasonable burden on interstate commerce. The burden of proof falls on those challenging a state law, unless the law affirmatively discriminates against out-of-state producers.¹⁸ This standard has been applied by the federal courts for more than a century.



¹³ See *U.S. v. Lopez*, 514 U.S. 549 (1995), in discussing Federalist No. 34, “Agriculture and manufacture, since they were not surrendered to the Federal Government, were state concerns.” *Id.* at 592.

¹⁴ That “States must have a concurrent power to regulate commerce” is a principle that has long been recognized by the courts. *Gibbons v. Ogden*, 22 U.S. 1, 19, 6 L. Ed. 23 (1824).

¹⁵ “That the internal commerce of the States and the numerous state inspection, quarantine, and health laws had substantial effects on interstate commerce cannot be doubted. Nevertheless, they were not ‘surrendered to the general government.’” *U.S. v. Lopez*, 514 U.S. at 594, quoting *Gibbons v. Ogden*, 22 U.S. 1, 19 (1824).

¹⁶ The Federalist No. 45 (James Madison).

¹⁷ *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

¹⁸ 15A Am. Jur. 2d *Commerce* § 106 (2018).

PICA purports to derive its authority from the Commerce Clause and seeks to deregulate agriculture by preempting the field of agricultural product regulation in the United States.¹⁹ Under Section 2 of the bill, state and local regulations would be struck down whenever they impose a standard or condition on out-of-state producers in excess of those required by federal law and the producing state. This is true even where the state regulation otherwise passes the Supreme Court’s test under the dormant Commerce Clause. The bill also includes a broad citizen suit provision allowing any person to challenge any state or local agricultural regulation for both equitable remedies and monetary damages. The bill additionally includes a provision which appears to authorize retroactive damage awards for legislative acts undertaken by a state as many as ten years before the enactment of PICA.

IV. LEGISLATIVE HISTORY

Representative King has provided only minimal comments about the intended scope of PICA, and has stated that he knows of only one law that would be preempted by his bill—California’s Egg Law.²⁰ But the text of the bill suggests a broader intent through its expansive language. PICA’s scope would reach “any and all products raised or produced on farms and any processed or manufactured product thereof,” including everything from “fish” to “forestry products.” To date there has been little detailed analysis of the bill’s impact and meaning. Neither Representative King nor any other member or committee has issued any reports on what effects his bill might have at either the local or national level. At minimum, PICA could overturn thousands of state and local laws, the majority of which may not be known or considered prior to its passage. The following section-by-section analysis, as well as the discussion of potentially affected areas, seeks to provide some guidance on how the bill might affect existing law, regulation, and commerce.

V. FULL TEXT OF H.R. 4879

H.R. 4879 THE PROTECT INTERSTATE COMMERCE ACT OF 2018

A BILL

To prevent States and local jurisdictions from interfering with the production and distribution of agricultural products in interstate or foreign commerce, and for other purposes.

¹⁹ 163 Cong. Rec. H 6577-01 (2017), *available at* 2017 WL 3209289.

²⁰ Jacqui Fatka, *King Amendment Won’t Nullify State Laws*, Feedstuffs (Nov. 15, 2013), *available at* <http://www.feedstuffs.com/story-king-amendment-wouldnt-nullify-state-laws-45-104893>.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect Interstate Commerce Act of 2018”.

SEC. 2. PROHIBITION AGAINST INTERFERENCE BY STATE AND LOCAL GOVERNMENTS WITH PRODUCTION OR MANUFACTURE OF ITEMS IN OTHER STATES.

(a) **IN GENERAL.**—Consistent with article I, section 8, clause 3 of the Constitution of the United States, the government of a State or locality therein shall not impose a standard or condition on the production or manufacture of any agricultural product sold or offered for sale in interstate commerce if—

- (1) such production or manufacture occurs in another State; and
- (2) the standard or condition is in addition to the standards and conditions applicable to such production or manufacture pursuant to—

(A) Federal law; and

(B) the laws of the State and locality in which such production or manufacture occurs.

(b) **AGRICULTURAL PRODUCT DEFINED.**— In this section, the term *agricultural product* has the meaning given such term in section 207 of the Agricultural Marketing Act of 1946 (7 U.S.C. §1626).

SEC. 3. FEDERAL CAUSE OF ACTION TO CHALLENGE STATE REGULATION OF INTERSTATE COMMERCE.

(a) **PRIVATE RIGHT OF ACTION.**—A person, including, but not limited to, a producer, transporter, distributor, consumer, laborer, trade association, the Federal Government, a State government, or a unit of local government, which is affected by a regulation of a State or unit of local government which regulates any aspect of an agriculture good, including any aspect of the method of production, which is sold in interstate commerce, or any means or instrumentality through which such an agriculture good is sold in interstate commerce, may bring an action in the appropriate court to invalidate such a regulation and seek damages for economic loss resulting from such regulation.

(b) **PRELIMINARY INJUNCTION.**—Upon a motion of the plaintiff, the court shall issue a preliminary injunction to preclude the State or unit of local government from enforcing the regulation at issue until such time as the court enters a final judgment in the case, unless the State or unit of local government proves by clear and convincing evidence that—

- (1) the State or unit of local government is likely to prevail on the merits at trial; and
- (2) the injunction would cause irreparable harm to the State or unit of local government.

(c) STATUTE OF LIMITATIONS.—No action shall be maintained under this section unless it is commenced within 10 years after the cause of action arose.

VI. SECTION-BY-SECTION ANALYSIS OF LEGISLATION

A. SECTION 1. SHORT TITLE.

This Section provides short title for the bill. It is to be known as The Protect Interstate Commerce Act of 2018.

B. SECTION 2. PROHIBITION AGAINST INTERFERENCE BY STATE AND LOCAL GOVERNMENTS WITH PRODUCTION OR MANUFACTURE OF ITEMS IN OTHER STATES.

The effect of Section 2 is to displace state and local governmental regulation of agricultural products sold within their borders. There is some ambiguity about whether this section would preempt state laws focused solely on in-state production, but the main focus appears to be eliminating regulations that affect out-of-state producers.²¹ Section 2 prohibits any state or locality from imposing regulations on agricultural products above the federal floor (to the extent there is one) and in addition to those regulations applicable to the product in the producing state.

The basic framework suggests a two-part inquiry:

- 1) Is the good an “agricultural product” within the meaning of the bill?
- 2) Does the state or local law in question require an out-of-state entity (most likely a producer) to change the way he or she does business?

The bill appears to preempt any state or local law or regulation that causes an out-of-state producer to change his/her processes or practices in any way in order to sell products in the regulating jurisdiction. If a condition is not already mandated under federal law, and a law or regulation poses some additional requirement or hurdle for out-of-state producers that they are not subject to in their home state, that law or regulation would be preempted under the bill. Determining how to interpret PICA’s language in a given case, however, is less than obvious.

²¹ *The Debate Over the King Amendment Grows*, American Ass’n of Law Schools, (Dec. 7, 2013), available at <http://aglaw.blogspot.com/2013/12/the-debate-over-king-amendment-grows.html> with link to text of letter available at https://drive.google.com/file/d/0B3BpfXJ_Lg0QLXM5aXM0R1VtUU/edit.

The text of Section 2 presents significant unanswered questions about PICA’s meaning and scope. What initially looks like straightforward language quickly dissolves into a quagmire of questions with regards to the bill’s interpretation and application. Each issue adds vast amounts of uncertainty, and together they make the measure almost indescribably vague. In some instances, entire industries could live or die based on judicial interpretation of the bill’s text if it were to pass in its current form. Rulings may vary widely by jurisdiction and create a patchwork of interpretations, absent intervention by the Supreme Court.

The application of Section 2 will present mixed questions of fact and law for an interpreting court. At times, PICA may require a rigorous fact-based inquiry as to where on the chain of production regulated activities take place. It would take tremendous time and resources to sort through every law and producer to determine whether and how each is affected. Ultimately, outcomes will vary, with some regulations struck down altogether while others may be partially preempted. Different outcomes in different federal judicial Circuits are also likely to occur.

1. Section 2(a)—IN GENERAL.

This subsection expands the current reach of the Constitution’s dormant Commerce Clause to forbid a state²² or locality from placing a “standard or condition” on the “production or manufacture” of any “agricultural product” that is engaged in interstate commerce when certain conditions are met. It raises several questions as to the bill’s scope and the meaning of key terms.

PICA’s application depends on the threshold issue of what constitutes a “standard or condition.” Neither word is defined in the bill. Common usage suggests that these terms describe any sort of regulation or best practices standard that has been codified by the legislature or an administrative agency. However, the drafters of the bill choose not to use the common term “regulation”—which raises a question as to what the bill seeks to capture within the broader phrase “standard or condition” that is not included under the umbrella term of “regulation” or vice versa. PICA indicates that “a standard or condition” is something “impose[d]” by “the government of a state or locality,” but beyond that provides no guidance as to the term’s intended scope.

A related question is what form the “standard or condition” must take for PICA to apply. Legislative history suggests that PICA was drafted, in part, to target the California Egg Law, which prohibits the in-state sale of certain eggs. As such, restrictions on the sale of goods seem to fall clearly within the purview of the bill. However, conditions imposed in other ways also

²² It bears mention that PICA does not define the term “State.” This analysis adopts a conservative approach in understanding this to apply only to the 50 states, but without a clear definition, this term sometimes has been applied to include U.S. Territories such as Puerto Rico, Guam, and the American Virgin Islands as well. In the case of this legislation, the decision of how to apply the term no doubt would have significant impacts by removing barriers to introduction of certain crops or diseases not found in the continental U.S. and vice-versa. “Locality” also is not defined, but we may assume it refers to a county or municipality.

may be affected by PICA. For instance, laws banning consumption or use of a good could be preempted as well. For example, if a state banned consuming eggs produced by hens raised in a particular way, such a regulation similarly might be struck down. Laws concerning disposal of a product could also be implicated. If a product cannot be used without producing waste, and a state prohibits creating that waste or disposing of it within state lines, such laws also might effectively impose a “standard or condition” and be preempted PICA. Many agricultural regulations fall within these grey areas. The bill provides no guidance as to whether these measures should be affected equally or not at all.

PICA also is silent as to whether taxes might be included within the concept of a “standard or condition” under the bill. Tax rates may vary based on means of production, or may be set so high as to constitute a virtual ban on particular items. If different forms of a product are taxed differently in practice, a state might be seen as imposing its standards on out-of-state producers. It thus is unclear whether tax laws may be implicated by PICA, creating another area of ambiguity that would have to be resolved by the courts.

There also is a question as to whether flat bans on particular products constitute “a standard or condition on the production or manufacture.” One might argue that in levying a total prohibition, a state legislature effectively renders the means of production irrelevant. However, most, if not all bans, ultimately would constitute a standard or condition on production or manufacture because most products are a subclass of others. For instance, when banning an item with a particular ingredient, such as bread made with eggs, “made with eggs” might operate as a condition. The more steps involved in creating a product, the more a ban looks like a “standard or condition” because these products are defined by conditions of production that are essential to the product’s identity. In essence, whatever makes that product discrete and identifiable by the legislature might equally function as a standard or condition that would be preempted by PICA. This distinction could have significant implications in terms of how the bill would be applied.

The text of PICA Section 2(a) also does not specifically require that the “standard or condition” be applied through restrictions on sales generally. Even prohibiting a certain class of buyers from purchasing the product may be enough to trigger preemption under PICA. For example, California’s Egg Law places the entirety of the state’s market out of reach to certain producers using specific methods of housing for hens. But would that law be preempted by PICA if it only had restricted half of California buyers from buying, rather than 100%? Might a regulation still effectively impose a standard or condition if only 5% of the market was affected? From the perspective of an Iowa egg farmer, California makes up only a fraction of total sales. Determining which regulations impose a standard or condition on that producer and which do not may prove difficult.

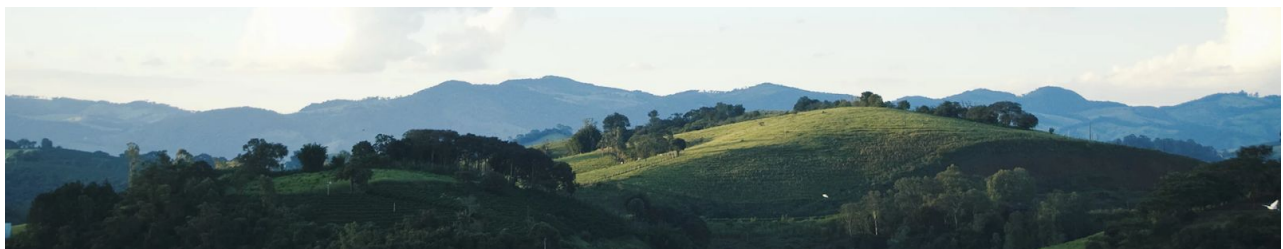
The bill also uses the phrase “production or manufacture” without defining either term. A court might assume the two words largely share the same meaning, although perhaps “manufacture” refers to a particular kind of production using machines. These terms appear to apply broadly to the process, from start to finish, of creating a good. The tenor of the law

suggests they might be interpreted broadly. The term “production or manufacture” seems to span the entire course of a product’s creation up until the point when it takes its final form as it appears on the grocery store shelf or elsewhere for sale. There are several categories of laws that could be swept up into the definition of “production or manufacture,” some of which are discussed in later sections of this paper.

Finally, PICA applies to “agricultural products sold or offered for sale in interstate commerce,” but this does not mean PICA only affects end-point regulations on sale. The phrase “sold or offered for sale” functions as an adjective phrase modifying “products.” However, PICA would appear to apply at all points in the production process. In addition, by including products “offered for sale,” the bill seems to encompass goods moving across state lines prior to the point when they are “sold.” It could also be read to apply to all agricultural products so long as that *type* of product sometimes is sold in interstate commerce.

2. Section 2 (a)(1)

Subsection (a)(1) sets forth the first of two conditions that must be met for PICA to apply. It dictates that the standard or condition in question must affect out-of-state production or manufacture.²³ This subsection ostensibly limits PICA’s application to producers outside of the regulating state and sets up the second condition of Section 2(a)(2). Laws containing only a general condition or other requirement devoid of any mention of who is responsible for compliance would require a fact-specific inquiry as to which parties are affected and how production lines are distributed geographically.



3. Section 2(a)(2)

Subsection (a)(2) sets out a two-part test: PICA only applies to standards or conditions in excess of “(A) Federal law; and (B) the laws of the State and locality in which such production occurs.” This portion of the text would require an examining court to first identify relevant federal statutes and regulations as well as home-state production laws with respect to a certain

²³ The wording here is ambiguous and can be read to prevent states from regulating in-state production of agricultural goods as well. *Supra* note 21.

good. Next, the court would need to overlay the law in question to see whether it goes beyond the contours of each. This analysis may be straightforward—for instance, in cases where states set allowable bacteria counts that are more protective of public health than those levels permitted by the federal government or set by other states. Other times, it may be more difficult—such as when it is unclear whether the state or federal wording is stronger or more restrictive. Are the regulations imposed by the producing and consuming state identical, or does one extend slightly further or apply more broadly than the other? While courts would engage in this type of post-hoc analysis under PICA, states would be required to do the same prior to passing legislation or face potentially significant monetary judgments by litigants. States also would need to conduct a review of all existing regulations in order to mitigate against the bill’s retroactive damages provision.

4. Subsection 2(a)(2)(A)

PICA does not change existing federal laws or regulations concerning agricultural products. Nor does it impose federal standards to supersede state and local laws. Instead, it uses federal law as a ceiling, which along with the laws of the state and locality where the good is produced, sets a high-water mark for regulation. Any state or local regulation that goes beyond both would be “in addition to” the “applicable” federal and home-state laws and would be preempted under PICA. This is true even where, as is often in the case of agricultural regulation, there is no federal law or standard at all.

Distinguishing between state and federal agricultural laws can be difficult in areas where the state works in conjunction with federal agencies. Even where states have codified non-binding federal guidelines or best practices, PICA could preempt those provisions as well.

5. Subsection 2(a)(2)(B)

This subsection purports to preserve state authority to regulate in-state production, and dictate that out-of-state production regulations may not add additional requirements upon in-state producers. Determining whether a certain law runs afoul of Subsection (a)(2)(B) requires knowledge “of the laws of [both] the State and locality” that govern in the jurisdiction where production takes place. This analysis could vary from one producer to the next depending on where their particular farms or production facilities are located. For larger entities operating in multiple jurisdictions within a state and throughout others the question of where “such production or manufacture occurs” may become complicated.

In order for a regulation to be preempted, PICA requires that it impose a standard or condition higher than those in place in the state where “production” occurs. To determine

whether a law meets these requirements requires a case-by-case analysis of particular industries and as well as knowledge of individual producers and their supply chains. The point of origin of every agricultural product would have to be carefully tracked in order for PICA to function, including products that contain only trace amounts of agricultural ingredients. The administrative costs of setting up these tracking systems for thousands of products are unknown, but likely to be substantial.

6. Section 2(b)—AGRICULTURAL PRODUCT DEFINED.

This subsection provides the definition for “agricultural products” as it appears in the bill. For this, PICA looks to the Agricultural Marketing Act of 1946, which provides a vast definition for the term. What is or is not an “agricultural product” is perhaps the central unresolved issue in interpreting the scope and impact of PICA.

The bill’s definition is remarkably broad. “Agricultural products” are defined as follows:

‘Agricultural products’ includes agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured product thereof.

7 U.S. Code § 1626

The definition’s first clause offers categories of products that fall squarely within the purview of the term: crops, plants, wine, dairy, animals, bees, wood, fish, and shellfish. Several terms within this list could be interpreted different ways. For example, both “agricultural” (used here to define itself) and “livestock” could apply to a broad range of articles and species. There is no indication that this list is meant to be exhaustive.

The second clause greatly expands the definition and injects significant ambiguity into the bill. It provides that “agricultural product” also includes “any products thereof, including processed and manufactured products.” The language suggests that any product with an agricultural element, no matter how small, could fall under the definition of “agricultural products.” Everything from Altoids to plastic bags, which contain stearic acid from beef fat, may be considered an “agricultural product.” There is no limiting condition or de minimis exception governing this term, and the word “any” suggests that it is to be construed broadly. As a result, the class of products affected by PICA is unknowable given the broad and varying uses of agricultural products and by-products in the manufacturing of a wide range of goods.

The final clause of the definition goes a step further (or so may be assumed according to the canon against surplusage). It states that, “any and all products raised or produced on farms”

as well as “any processed or manufactured product” made from these products qualify as “agricultural products” under PICA. This last clause operates as a catch-all that captures virtually any items produced on farms. These may include exotic animals, fireworks, and any other product “raised or produced” at such a location regardless of its connection to traditional agriculture. “Farm” itself is not defined, and interestingly this group of products is defined simply by physical location rather than any method of production or any other unifying characteristic—*i.e.*, goods produced “through farming.” This language creates uncertainty because most anything could be raised or produced on a farm, even inorganic items that bear no resemblance to what we conventionally think of as agricultural products.

The definition of “agricultural product” incorporated into the bill was drafted over seventy years ago, and fails to contemplate the complexities of today’s agricultural landscape. It encompasses a vast number and array of products including all those manufactured with organic components such as wood, leather, cotton, and wool. Indeed, many vaccines have an egg base, insulin is often produced from livestock, and pills frequently have corn starch as a first ingredient. Perhaps more than any other question raised by the bill, the boundaries of “agricultural products” will have the greatest effect on shaping its application. However, this issue is largely left open for the courts. If PICA passes, the question of what is and what is not an “agricultural product” within the meaning of the statute promises to be an ongoing source of litigation for years to come.²⁴

C. SECTION 3. FEDERAL CAUSE OF ACTION TO CHALLENGE STATE REGULATION OF INTERSTATE COMMERCE.

Section 3 confers a private right of action to challenge state or local regulation of interstate commerce in federal court. This section recently was added to a prior version of the bill that did not include a citizen suit provision. Section 3 provides for injunctive relief, shifts the burden to the state to defend its laws, and allows for monetary damages to be assessed against state and local governments. However, it also raises questions of interpretation and significant constitutional concerns.

Courts may interpret Section 3 in one of three ways. First, they may find the citizen suit inoperative. The language of this section may not be deemed operable as it does not specify particular triggering legal violations. Generally, citizen suit provisions attach to a specific

²⁴ Many states have passed large-scale consumer protection laws that affect producers in multiple areas, such as California’s Proposition 65 or Washington’s Children’s Safe Product Act. These laws carry a general regulation that affects a broad range of industries, some of which may not be immediately apparent from the text of the statute alone. Proposition 65, for example, requires warning labels on products that may contain hazardous chemicals. These requirements, while not limited to food, apply to products wherever these chemicals are found. As such, PICA requires a fact-specific inquiry into what individual products are implicated by such a law and whether they constitute agricultural products. These laws likely would be preempted with respect to some goods and not others.

violation of the underlying statute. The substantial ambiguity created by the language here, which says only, “A person...affected by a regulation of a State or unit of local government which regulates any aspect of an agriculture good...may bring an action in the appropriate court...” may lead a court to disregard Section 3 altogether.

A second possible outcome is that a court could read the broad language of Section 3 as itself establishing a new legal violation that may be enforced by private parties. However, to do so would lead to absurd results—offering anyone “affected by a regulation of a State or unit of local government which regulates any aspect of an agriculture good” to sue and win their claim on the merits. This interpretation likely would be voided out of vagueness concerns, or perhaps be seen as so potentially burdensome as to violate the Tenth Amendment. In practice, this reading could open the floodgates and force state governments to answer to a near endless onslaught of litigation, with no possibility of winning with respect to any product that “regulates” an agricultural product. Given these concerns, a court almost certainly would decline to read Section 3 this way, though such a reading is not outside the scope of the flexible language provided.

The third and most likely possibility is that a court would read into Section 3’s language a reference back to the previous sections of the bill. In general, citizen suit provisions are written narrowly and give authorization for private parties to bring suit in response to specific violations. Here, no such reference exists and the provision makes little sense in isolation. A court likely would find that the bill’s drafters meant to refer back and specify violations of Section 2 as the particular cause of action being enforced here. While it appears such a reading is in line with the drafters’ intent, it bears mention that the language of Section 3 departs from that of Section 2 in important ways.

There is little congruence between “a standard or condition on the production or manufacture of any agricultural product” and the broader murky language of Section 3, “a regulation...which regulates any aspect of an agriculture good, including any aspect of the method of production, ... or any means or instrumentality through which such an agriculture good is sold in interstate commerce.” Not only does the language encompass regulations touching “any aspect of an agriculture good,” it also expands to include regulations applicable to “any means or instrumentality through which” such a good is sold. Key terms change. “Agricultural product,” the term used in Section 2 and defined in the bill, becomes “agriculture good” in Section 3.²⁵ The definition provided in the previous Section seems not to apply, but no replacement is offered. In addition, a “standard or condition” placed in Section 2 becomes “a regulation” by Section 3. It is unclear whether it was intended that each of these terms to take on a different meaning in the latter portion of the bill, but the mismatched language causes considerable confusion for a court looking to extract a clear meaning from the text.

²⁵ One must assume that “agriculture” is meant to be “agricultural,” though it is repeated throughout.

If the third interpretation prevails, it is unclear what effect this portion of the bill would have. Section 3 provides for private citizens to enforce the deregulation prescribed in Section 2. State and local agricultural laws would be vulnerable to challenge by other states, the federal government, private entities, or even foreign governments seeking to exact monetary damages. What is more, suits seeking damages could proceed against governmental entities for any regulations that took effect over the previous decade.

If Section 3 were enforced as written, states could be flooded with lawsuits and damage claims. These suits could seek payments from states for actions such as prohibiting the use of BPA in baby food jars, or restricting the import of disease-infected livestock. Numerous commonsense health, safety, and welfare regulations would be susceptible to challenge.

On a macro-level, as currently written, one might expect PICA to trigger a transfer of taxpayer funds from state and local governments into the hands of large private agricultural producers. To some, it would provide an opportunity for financial gain.

Damage claims could be substantial. Take, for instance, the California Egg Law. In a previous suit challenging the law, plaintiffs estimated that out-of-state producers would incur between \$228 - \$912 million in additional costs to upgrade their cage systems in order to sell eggs in California. In addition, the plaintiffs suggested that consumers could pay additional annual costs of \$350 million.²⁶ The law has been in place since 2015, meaning producers and consumers could seek combined damages of \$1.2 billion from the state of California under PICA.²⁷

This figure does not include accounting for lost profits or costs to in-state producers²⁸ and is more than twice what California plans to spend on K-12 education this year.²⁹ The scale of PICA's damages provision is remarkable, considering that thousands of state agricultural regulations could be open to challenges and awards of damages. Municipal governments would be similarly vulnerable and likely not have the funds available to defend their legislative enactments or pay out monetary damage awards.

1. Section 3(a)—PRIVATE RIGHT OF ACTION.

Section 3(a) provides a right of action to challenge “a regulation of a State or unit of local government which regulates any aspect of an agriculture good.” Next, Section 3(a) lays out two available remedies: “such a regulation” may be “invalidate[d]” and “damages for economic loss resulting from such regulation” may be assessed. Though it is not explicitly stated, these

²⁶ Joseph Haslag, *California Cage-System Regulations: The Economic Impacts on Prices, State Government Expenses and Welfare Losses*, available at <http://www.oag.ok.gov/Web/sites/oag/images/Economic%20Analysis.pdf>.

²⁷ But see discussion of 11th Amendment issues below.

²⁸ \$228 million for producers + (\$350 million/year x 3 years for consumers) = \$1,278,000,000.

²⁹ 2017-2018 California State Budget, available at <http://www.ebudget.ca.gov/2017-18/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf>.

damages would be assessed against the “State or unit of local government” that implemented the regulation, and presumably would be drawn from the State treasury or corresponding municipal fund. Significant constitutional questions surround the payment of state funds to private individuals.

Section 3(a) also raises a number of more specific, interpretive questions. Most of these relate to scope. The language of Section 3(a) does not make clear whether it applies only to goods moved in interstate commerce or whether it applies to all goods so long as that type of good is sold in interstate commerce. For example, the language could be found to apply to oranges generally because they move in interstate commerce rather than to a particular orange that may or may not cross state lines.

Secondly, Section 3(a) defines no terms. It is worth noting again that this section of the bill uses a different operative phrase. While Section 2 defines “agricultural products,” Section 3 instead refers to “agriculture good[s].” It is not clear how “agriculture good” should be defined and how similar this definition might be to that of “agricultural product.” On its face, the term seems similarly broad. As with Section 2, what is or is not an “agriculture good” will be paramount. Because Section 3 applies broadly, the definition of “agriculture good” would be one of the only factors limiting its scope.

Section 3 also relies exclusively on the word “regulation” and contains no mention of “law” or “statute.” Though “regulation” can refer collectively to both legislative law and regulations established by agencies, one may reasonably interpret Section 3 to govern only the latter. However, the legislative history suggests that the bill was drafted to target a California statute, so it seems intended to include both legislative laws and regulations. Still, one might argue that Section 3 does not apply to statutory law. Section 2 refers to a “standard or condition,” a phrase that again does not specify but appears to cover both. There is no congruence between the language of Section 3 and the preceding Sections.

2. Section 3(b)—PRELIMINARY INJUNCTION.

Section 3(b) affords plaintiffs the right to receive a preliminary injunction and lays out the standard to receive such relief. This preliminary injunction is intended to provide immediate relief by “precluding the State or unit of local government from enforcing the regulation at issue until such time as the court enters a final judgment in the case.” It may take years for a court to reach a final decision, especially given the backlog of cases that might be created by this legislation. Section 3(b) in practice would tie the hands of state and local governments immediately and with rare exception.

Historically, the burden of proving entitlement to a preliminary injunction falls squarely on the party seeking injunctive relief. The Supreme Court has been explicit in this respect,

addressing the issue most recently in *Winter v. Natural Resources Defense Council, Inc.*³⁰ In *Winter*, Justice Roberts laid out the Court’s notoriously high standard: “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”³¹ Few are able to meet these strict requirements.³²

PICA takes the conventional test and inverts it in favor of the plaintiff. Unlike the traditional standard prescribed by the Court in *Winter*, PICA provides for the issuance of a preliminary injunction unless *the government defendant* can prove: (1) a likelihood of success on the merits of its defense, and (2) irreparable harm to the state or locality should an injunction be imposed.

3. Section 3(b)(1)

To meet its obligation under Section 3(b)(1), a state must show that it more likely than not would succeed on the merits of the case should it go to trial. A state’s options to make such a showing are limited. One way a state may meet its obligation under Section 3(b)(1) would be to show that the regulated good is not an “agricultural product.” A good that is not an agricultural product falls outside the scope of the law. Yet, this sort of showing may be difficult given the expansive definition provided in Section 2. Many products clearly fall within the definition. Others may require further scrutiny.

If forced to concede that the good is an agricultural good, a state still could argue that the good does not move in interstate commerce. For most goods, this would simply be false. The vast majority of goods travel interstate. Even while some may not, any plaintiff challenging a law presumably would have been impacted by its interstate effects. Finally, for agricultural products sold in interstate commerce, the state’s remaining option would be to argue that the regulation in question does not extend beyond federal regulation and the laws of the producing state. Some cases may be straightforward. However, in practice, these questions often could come down to subtle differences in wording. A state might find it difficult to prove that the language of its regulation is less restrictive than that of the producing state or federal law. So long as the regulation governs agricultural products in interstate commerce, receiving a preliminary injunction against a state would be relatively easy. Plaintiffs would face a far more generous standard under Section 3 than in any other context where a preliminary injunction may be sought in federal court, including cases involving fundamental civil rights.

³⁰ *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008).

³¹ *Id.* at 20.

³² Note that PICA requires clear and convincing evidence for states to meet Section 3’s requirements.

4. Section 3(b)(2)

Section 3(b)(2) requires states to show they would suffer “irreparable harm” should they be enjoined from enforcing the regulation in question. States may be able to make strong showings on this issue as to some products. Many agricultural regulations have a direct nexus to public health and safety—which states could use to demonstrate a risk of injury to citizens or property that rises to the level of irreparable harm. It should be noted, however, that this is a very high bar. Even if a state should succeed under Section 3(b)(2), a plaintiff still would receive a preliminary injunction, despite the irreparable harm, if the state did not also demonstrate a likelihood of success on the merits. Oddly, irreparable harm may be the easier hurdle to clear. States must prevail under both Section 3(b)(1) and Section 3(b)(2) in order to continue enforcing the law in question.

5. Section 3(c)—STATUTE OF LIMITATIONS.

Section 3(c) provides a ten-year statute of limitations for claims under this Section. The clock begins when the “cause of action arose.” However, it is left open whether this language refers to the date the regulation went into effect or the time at which the plaintiff suffered injury from it. In the latter case, legislation could be open to challenge even if it was implemented more than a decade ago. These timetables become important when discussing the possibility of retrospective damages claims under Section 3(a).

Because Section 3(c) does not state that it is limited to new state laws, a question arises whether Section 3 may be intended to allow plaintiffs to challenge laws that were enacted years before the enactment of PICA. Representative King’s comments about the bill being aimed at the California Egg Law would seem to support a retroactive intent, since that law was enacted almost a decade ago. Because the bill would not achieve its core purpose without retroactive effect, more likely than not a reviewing court would allow for retroactive claims. The bill would thus provide a vehicle for challenging thousands of longstanding state and local regulations, and also chill any further lawmaking related to agricultural products.³³

³³ Should other sections of the bill be removed through the legislative process prior to passage, there is some question as to whether Section 3 might be able to stand alone. If Section 3 were to pass without Section 2, a court may find it meaningless without direct reference to a specific violation.

That said, a court may also read the statute to grant a broad private right of action to those seeking to challenge existing agricultural regulations on other grounds. In this case, petitioners need not allege a violation of PICA Section 2, but instead could use Section 3 to bring suit for other claims.

If Section 3 were to pass on its own, and a judge were to find that the statute still has meaning, the necessary questions to determine whether it authorizes suit would be: 1) Is the relevant product an “agricultural good”?; 2) Is that good sold in interstate commerce?; and 3) Does the regulation in question “affect[]” “any aspect” of that good’s production? None of these three requirements poses a particularly high hurdle.

VII. CONSTITUTIONAL ISSUES

Section 3 raises significant constitutional questions. As a threshold matter, it appears to grant private parties an almost unlimited right to sue. However, plaintiffs still would need to satisfy requirements for standing under Article III. In addition, Section 3 of the Act raises serious Eleventh Amendment concerns and may also face constitutional challenges under the Tenth Amendment.

A. Article III Standing

Prior to the addition of Section 3 to the original version of PICA, opponents of the California Egg Law suffered a series of high-profile setbacks in their efforts to overturn the law in federal court. Those challengers failed to meet the requisite conditions of Article III standing and the case ultimately was dismissed on these grounds.³⁴ However, a citizen suit provision such as Section 3, in and of itself, cannot grant standing.³⁵ Plaintiffs still must meet Article III standing requirements. Producers, trade associations, transporters, and distributors likely could make relatively straightforward claims of economic loss. Consumers, though, might have a more difficult time demonstrating standing for purposes of Article III. Unlike producers, their injuries may be more speculative in nature. Consumer injuries under PICA also may be so small as to not warrant standing, such as a one-cent difference in the price of a product. Finally, alleged consumer injuries may tend to be more generalizable and therefore fail to meet the requirements of concrete and particular harm. Claims by laborers also may fail with respect to redressability. Showing that a loss of work is attributable to a particular law could prove difficult, especially if the market for the good produced has since dissipated.

While Section 3 may provide private parties an open door into court, once there, they will face familiar hurdles with respect to meeting Article III standing requirements. These constitutional prerequisites cannot be overwritten by federal legislation.



³⁴ In *Missouri ex rel. Koster v. Harris*, 847 F.3d 646 (2017), the Ninth Circuit Court of Appeals found inadequate facts to support Article III standing.

³⁵ *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).

B. Eleventh Amendment Concerns

Section 3 raises significant Eleventh Amendment concerns. The Eleventh Amendment prevents private citizens in one state from bringing suit against another state in federal court. In *Hans v. Louisiana*, the Court afforded this same protection to states for claims brought by their own citizens.³⁶ Together, this doctrine is known as “State Sovereign Immunity.” In Section 3, the bill attempts to waive the rights of states not to be sued and allow private entities to exact equitable remedies and damages from them.

Whether Congress may abrogate state sovereign immunity depends on the constitutional basis on which it acts. PICA explicitly relies on Article I, Section 8, Clause 3, colloquially known as the Commerce Clause. However, in *Seminole Tribe v. Florida*, the Supreme Court ruled that Congress may not use its authority under Article I to abrogate state sovereign immunity, and may do so only when acting under constitutional amendments enacted subsequent to the Eleventh Amendment.³⁷ The opinion in *Seminole Tribe* addressed the Commerce Clause specifically, and the jurisprudence has remained largely unchanged ever since. In practice, the Eleventh Amendment would act as a firm bar to private entities bringing suit against the state under this measure. *Seminole Tribe* makes clear that Congress cannot confer that authority as PICA attempts to here. This portion of the bill is likely to be found unconstitutional. Similarly, language allowing for private parties to receive injunctive relief or damages in suits against states likely would be stuck down as well.

The Eleventh Amendment barrier to suits against the state does come with some caveats. For example, states are free to bring suit against each other for equitable relief and damage awards. The federal government also would be free to bring such claims, as state immunity does not extend to other sovereigns. However, unlike the federal government, a state only may sue another state to protect its own interests, not those of individual citizens.³⁸

Additionally, Section 3 creates expansive new liability for state officials. While plaintiffs could not proceed against the state under *Ex Parte Young*, they may be able to bring suits against public officials enforcing the law in their official capacity.³⁹ A successful suit could enjoin that official and her successors from enforcing a state law that violates federal law. However, only equitable remedies and not damages would be available. Courts have been clear that the “Eleventh Amendment’s protection of state sovereignty requires the state’s coffers to be shielded from suit.”⁴⁰ In addition, no provision of Section 3 appears to authorize suits against state

³⁶ *Alden v. Maine*, 527 U.S. 706 (1999), applied these rules to actions brought in state court as well.

³⁷ *Seminole Tribe v. Florida*, 517 U.S. 44 (1996).

³⁸ The Federal government can seek recovery of damages on behalf of an individual, even though damages in a suit by the individual would be barred by the Eleventh Amendment. *U.S. v. Mississippi Dept. of Public Safety*, 321 F.3d 495, 499 (5th Cir. 2003).

³⁹ *Ex Parte Young*, 209 U.S. 123 (1908).

⁴⁰ *Edelman v. Jordan*, 415 U.S. 651 (1974).

officials in their individual capacity, and such language generally is required to exact private damages from state officials.

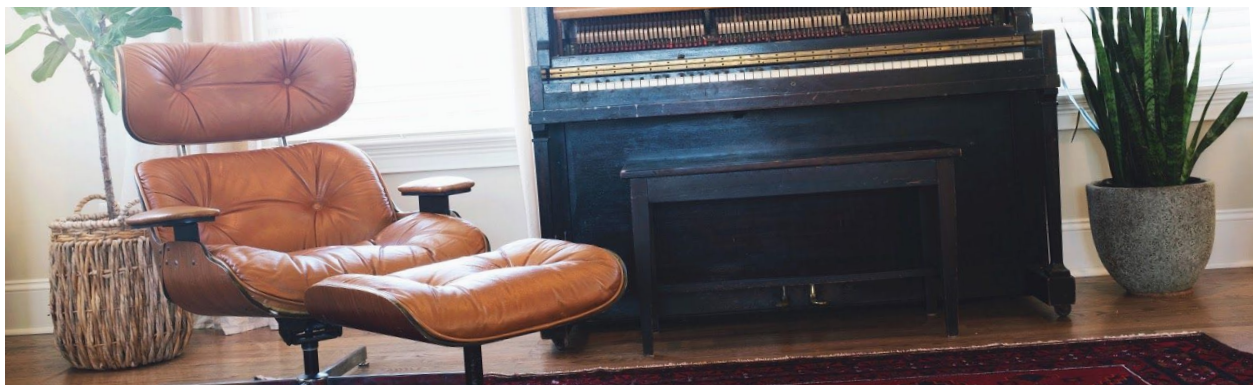
Notably, the Eleventh Amendment does not immunize municipalities or other forms of local government from suit.⁴¹ Under PICA, private parties would be able to proceed with claims against “a unit of local government” both for injunctive relief and damages. When determining whether the entity in question is a political subdivision of the state, and therefore protected from suit, courts consider the status of the agency under state law, the agency’s degree of autonomy, and whether judgment resulting from the suit would come from the state treasury.⁴² Most municipal or county government actions would likely not be protected by the Eleventh Amendment’s bar on suits against the state.

C. Other Constitutional Issues

Given the serious limitations placed on states’ ability to protect the perceived interests of their citizens, Section 3 of PICA raises Tenth Amendment concerns as well. The exact contours of the Tenth Amendment are notoriously difficult to define. However, given the massive transfer of state police power and legislative authority under PICA, the enactment of this measure may present an opportunity for the federal courts to explore the outer boundaries of Congress’s authority to curtail state sovereignty.

VIII. APPLICATION OF THE BILL

PICA potentially could implicate many types of laws and regulations across a broad range of areas. Most of these relate to food and food production, while some govern other items that fall within the bill’s definition of agricultural products. As noted above, PICA leaves open large questions of interpretation. Each of the areas of law below would face substantial uncertainty if PICA were to pass, as would many others not listed here.



⁴¹ *Moor v. Alameda County*, 411 U.S. 693 (1973).

⁴² *Hess v. Port Authority Trans-Hudson Corp.*, 513 U.S. 30, 115 S. Ct. 394 (1994).



A. Narcotics

Many medicinal and recreational drugs fall within PICA's definition of agricultural products.⁴³ Both in their raw form and as "processed and manufactured products [thereof]," drugs of plant-based origin may avoid state regulation under PICA.⁴⁴ While federally scheduled drugs would remain unaffected, those banned at the state or local level, as well as those pending federal review, could become legalized by PICA. Affected laws might include those criminalizing possession of certain drugs or restricting their sale to minors. Consider, for example, *mitragyna speciosa*, commonly known as "kratom."

Kratom is a tropical evergreen tree whose leaves contain opioid properties that make it a popular recreational drug.⁴⁵ Kratom, which the FDA previously intended to schedule in 2016, since has been designated a "drug of concern."⁴⁶ In a statement this February, the FDA announced, "We now have 44 reported deaths associated with the use of kratom. This is an increase since our November advisory, which noted 36 deaths."⁴⁷ In the wake of these incidents, Alabama, Arkansas, Illinois, Indiana, Wisconsin, and Vermont have implemented bans or partial bans on the substance, each of which could be preempted by PICA.⁴⁸

Similarly, *salvia divinorum* ("salvia"), a controversial hallucinogenic drug derived from plant leaves, also could become deregulated in many states. This drug has survived several

⁴³ The definition of agricultural products employed by PICA is broad enough that it may include many other drugs, medicines, and vaccines as "processed and manufactured products [thereof]." Cornstarch and other agricultural products are commonly used as inactive ingredients in oral medications. "Most flu shots and the nasal spray flu vaccine are manufactured using egg-based technology," according to the CDC. *Flu Vaccine and People with Egg Allergies*, Center for Disease Control, available at <https://www.cdc.gov/flu/protect/vaccine/egg-allergies.htm>. While many of these items are federally regulated, some are not.

⁴⁴ 7 U.S.C.A. § 1626.

⁴⁵ Megan Rech, et al., *New Drugs of Abuse*, 35 *Pharmacotherapy*, issue 2, 189 (Feb. 2015), available at <http://onlinelibrary.wiley.com/doi/10.1002/phar.1522/full>.

⁴⁶ *Withdrawal of Notice of Intent to Temporarily Place Mitragynin and 7-Hydroxymitragynin Into Schedule I*, Drug Enforcement Administration (Oct. 13, 2016), available at <https://www.federalregister.gov/documents/2016/10/13/2016-24659/withdrawal-of-notice-of-intent-to-temporarily-place-mitragynine-and-7-hydroxymitragynine-into>.

⁴⁷ *Statement from FDA Commissioner Scott Gottlieb, M.D., on the agency's scientific evidence on the presence of opioid compounds in kratom underscoring its potential for abuse*, Food and Drug Administration (Feb. 6, 2018), available at <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm595622.htm>.

⁴⁸ See Ala. Admin. Code r. 420-7-2, App; Ark. Admin. Code 007.07.2; 720 Ill. Comp. Stat. 642/5; Ind. Code § 35-31.5-2-321; Wis. Stat. § 961.14; Vt. Admin. Code 12-5-23:7.0. At the time of this writing, kratom's legal status appears increasingly tenuous, though the federal government has yet to formally move to schedule the substance.

attempts to regulate it federally but is banned or partially banned in over thirty states concentrated largely in the south and Midwest.⁴⁹ These criminal laws, often passed in response to the deaths of persons found to have salvia in their system, could be nullified by PICA. Just as California would be unable to stop certain eggs from being sold, Iowa would be unable to prohibit the sale of certain hallucinogenic drugs. Generally speaking, states are first to act with respect to regulating risks posed by new drugs, given the burden of federal procedural requirements. Frequently, drug legislation looks like something of an arms race, with manufacturers constantly making slight adjustments to drug formulas to avoid each new regulatory restriction. PICA could restrain states from acting alone. Under PICA, states may become more reliant on less nimble federal agencies and ultimately left to wait for federal action. In this case, if the federal government were to de-schedule substances like marijuana, states may not be able to impose their own restrictions for fear of preemption. Additionally, other vitamins, supplements, and medicines with an agricultural base also may become exempt from state regulatory authority.



B. Food Packaging

Another area of law that PICA could affect is packaging. The term “production or manufacture” seems to span the entire course of a product’s lifecycle up until the point when it takes its final form on the shelf for sale. Packaging is an integral part of the production process. Under PICA, agricultural products along with their containers could be immunized from certain state regulation regardless of whether the packaging itself is of agricultural origin. For instance, a Minnesota law prohibiting the sale of “baby food, or toddler food stored in a container that contains intentionally added bisphenol-A (“BPA”)” ultimately imposes an additional condition on the manufacture of baby food, an agricultural product, even though the jar itself might be

⁴⁹ Ala. Code § 13A-12-214.1; Ark. Code R. 007.07.2; Cal. Penal § 379; Col. Rev. Stat. § 18-18-406.2; Conn. Agencies Reg. § 21a-243-7; Del. Code Ann. Tit. 16 § 4714; Fla. Stat. § 893.03; Ga. Code Ann. § 16-13-72; Haw. Rev. Stat. § 329-14; Ill. Comp. Stat. 720 § 570/204; Ind. Code 35-48-4-11; Iowa Code § 124.204; Kan. Stat. Ann. 65-4105; Ky. Rev. Stat. Ann. § 218A.010; La. Rev. Stat. Ann. § 40:989.2; 17 Me. Rev. Stat. § 2012; Mass. Code Regs. 50-32-222; Md. Code Ann., Crim. Law, § 10-132; Mich. Comp. Laws 333.7212; Minn. Stat. § 152.027; 19 Mo. Code Regs. Ann. 30-1.002; Miss. Code Ann. § 41-29-113; Neb. Rev. Stat. § 28-405; N.M. Code Regs. 16.19.20; N.C. Gen. Stat. § 14-401.23; N.D. Cent. Code 19-03.1-05; Ohio Rev. Code Ann. § 3719.41; Okla. Stat. 63 § 2-204; R.I. Gen. Laws § 21-28-4.01; S.D. Codified Laws § 22-42-22; Tenn. Code Ann. § 39-17-438; Tex. Health & Safety § 481.104; Vt. Code R. 12-5-23:7.0; W.Va. Code Ann. § 60A-4-413.

plastic.⁵⁰ Out-of-state producers seeking to sell baby food in Minnesota are bound by this condition. Because not every state imposes such a requirement and no federal mandate exists, this law likely could be preempted by PICA—which seems to apply to agricultural products as a complete unit, packaging and all. Similarly, laws like Illinois’ Lead Poisoning Prevention Act and California’s prohibition on the sale of candy in a “wrapper...[that] contains lead in excess of [prescribed] standards,” also may be preempted.⁵¹



C. Food Labeling

The application of identifying labels also is part of the packaging process and takes place during the course of “production.”⁵² While labels may be applied at varying points in time, many are applied by producers. Label laws are another common form of consumer protection regulation that may be preempted by PICA. Broadly speaking, labels serve to advertise a product but can also carry important health and safety warnings as well as nutritional information. The Food and Drug Administration and U.S. Department of Agriculture currently regulate certain aspects of labels, while states retain authority to regulate product labels as well.

“Sell-by” date labeling is one area where states impose requirements on out-of-state producers. Some states simply require “sell-by” or “use-by” labels, while others restrict the sale of items past these dates. Forty-one states currently impose some sort of sell-by labeling law for various types of foods, most commonly on shellfish, meat, dairy, eggs, as well as pre-packaged and potentially hazardous foods.⁵³

⁵⁰ Minn. Stat. § 325F.174.

⁵¹ See 410 Ill. Comp. Stat. 45/4; Cal. Health & Safety Code § 110552.

⁵² It is worth noting that Representative King has stated he does not believe PICA would affect labeling laws. (“My legislation would not prevent a state from implementing its own labeling policies on products...” *King Introduces Protect Interstate Commerce Act* (Feb. 3, 2015), available at <https://steveking.house.gov/media-center/press-releases/king-introduces-protect-interstate-commerce-act>). However, Representative King does not offer further reasoning in support of this claim. Given the broad text of PICA, there is a strong argument that it would, in fact, restrict states’ ability to implement and enforce labeling laws, as these laws “impose a standard or condition on the production or manufacture of any agricultural product sold or offered for sale in interstate commerce.” Without evidence to the contrary, it appears clear that labeling laws would be preempted with respect to out-of-state producers.

⁵³ *The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America*, Harvard Food Law and Policy Clinic and National Resources Defense Council (Sept. 2013), available at <https://www.chlpi.org/wp-content/uploads/2013/12/dating-game-report.pdf>.

Proponents of such laws argue that they are important to protect consumer choice and food safety, while others have criticized sell-by labels for contributing to unnecessary food waste.⁵⁴ If passed, PICA could prevent states from imposing such labeling requirements on out-of-state producers altogether—even where doing so may run contrary to federal intent. Consider shellfish, for example. Most states require shellfish be labeled with a “sell-by” date or a “best if used by” date for packages with a capacity of less than 64 fluid oz., or marked with the “date shucked” for packages with a capacity of 64 fluid oz. or more. This rule comes from the *Guide for the Control of Molluscan Shellfish* published by the National Shellfish Sanitation Program, a state/federal cooperative affiliated with the FDA. The guidance document is non-binding but contains a “model ordinance” that “states have agreed to enforce.”⁵⁵ However, because no federal law exists and not every state has codified the model rules, PICA could preempt all such state laws. This regulatory situation underscores that even when the FDA explicitly recommends that states adopt certain regulations, under PICA no state could adopt them without risking suit under PICA unless every state with producers of any affected products adopted identical regulations simultaneously. Such a degree of legislative coordination and unanimity among the states would be difficult to achieve in practice.

PICA also could undermine a vast swath of labeling laws intended to protect producers. One such law might be MN ST § 30.49. This Minnesota regulation requires “paddy-harvested” wild rice to be labeled as such when sold within the state, while prohibiting producers of “artificially-cultivated” rice from making such claims on their products. PICA, however, could prevent Minnesota from enforcing these requirements. True wild-grown rice could become indistinguishable from cheaper cultivated varieties to the average shopper. States could be left with little recourse in these instances, even though products such as paddy-grown wild rice have been shown to have superior nutritional value. Given the cost of hand-harvesting, traditional producers, including those on Minnesota’s Red Lake Reservation, might be driven out of business by artificial cultivators.



⁵⁴ *For Food Manufacturers, “Sell By” Labels May Have Reached Their Expiration Date*, National Public Radio (Feb. 15, 2017), available at <https://www.npr.org/sections/thesalt/2017/02/15/515427797/food-companies-may-say-goodbye-to-sell-by-labels>.

⁵⁵ *National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish (2015 Revision)*, Food and Drug Administration, available at <https://www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM505093.pdf>.



D. Other Agricultural Product Regulations

In addition to food labeling, other label laws may be affected by PICA. Given the bill's broad definition of "agricultural products," PICA may preempt state labeling requirements with respect to items such as clothing, mattresses, and lumber.

For instance, thirty-one states require what is known as a "law label" on stuffed articles—including mattresses, bedding, changing pads, cushions, or other products. Consumers may recognize these tags by their size and lettering, which often warns: "Do Not Remove Under Penalty of Law."⁵⁶ These tags serve a sanitation purpose and are designed to help protect customers by assuring the safety of filling materials hidden from view and protecting them from the bacteria, bugs, and disease that often contaminated these articles at the turn of the century.⁵⁷

Some laws require manufacturers to disclose the precise contents of the filling materials (e.g., 30% down, 50% cotton, 20% polyester). Others impose specific sterilization requirements. Arizona also outlaws the sale of bedding that contains materials recovered from dumps, junkyards, or hospitals, or that which "harbors loathsome insects or pathogenic bacteria."⁵⁸ California sets maximum allowable levels of sludge, oil, and grease.⁵⁹ Although a pillow, stuffed toy, or mattress might not be commonly considered an "agricultural" item, often these products are primarily composed of (or at least contain) agricultural fillers such as cotton, hair, wool, down, feathers, beans, or other plant-based or animal-based fibers. As a "manufactured product thereof," laws regulating such products and their contents may be preempted by PICA.

⁵⁶ *What is a Law Label?*, American Law Label, Inc., available at <https://americanlawlabel.com/law-label-learning-center>.

⁵⁷ *A Guide to United States Furniture Compliance Requirements (NISTIR 8119)*, National Institute of Standards and Technology (March 2016), available at <https://nvlpubs.nist.gov/nistpubs/ir/2016/NIST.IR.8119.pdf>.

⁵⁸ Ariz. Rev. Stat. Ann. § 36-796.03; Ariz. Rev. Stat. Ann. § 36-796.04.

⁵⁹ Cal. Code Regs. tit. 4, §§ 1131, 1133.



E. Food Quality and Safety

Food safety and quality laws would be affected by PICA. Some such laws are imposed to protect citizens from the sale of unfit goods, while others serve to protect key industries from scandal or sub-par sellers. Florida’s law prohibiting the sale of citrus fruit containing arsenic is an example of both.⁶⁰ The state’s interest in drafting such a law is obvious. By doing so, however, the state places limitations on out-of-state producers that could be preempted under PICA.

Regulations prohibiting the sale of expired infant formula, and other goods, could similarly be affected. Alabama, California, Georgia, Ohio, and others currently have such laws on the books, motivated in part by outbreaks of foodborne illness to which infants are particularly susceptible.⁶¹ At first glance, this type of regulation may not appear to be preempted by PICA. Yet, such laws impose an additional condition on out-of-state, agricultural producers—namely that they must package, process, ship, and sell their product within the allotted window of time. Equally, these laws could be thought of as an embargo on a particular type of undesirable product, in this case, expired infant formula, much the same way that California law blocks the sale of certain types of eggs.

Some safety and quality assurance laws regulate specific ingredients or processes. Pet food is an example. Forty-eight states have some sort of commercial feed law. Many require pet food manufacturers to provide guarantees of the minimum percentage amounts of crude protein and fat, as well as the maximum amount of crude fiber and moisture. Some states also mandate that manufacturers register with the state before marketing and selling products therein. Others, like California, require particular production processes that appear to apply to all products sold within the state: “All stomachs, intestines, and/or other such by-products, which are used in the manufacture of processed pet food, shall be thoroughly washed and inspected for fecal or foreign contamination.”⁶² Additionally, pet food processors are required to use a magnetic separator in production to remove pieces of metal.⁶³

⁶⁰ Fla.Stat. Ann. § 601.93.

⁶¹ Ala. Code § 20-1-27; Cal. Health & Safety Code § 114094.5; Ga Comp. R. & Regs. 40-7-1-.13(3)(e); Ohio Rev. Code Ann. § 3715.521; N.J. Stat. Ann. § 56:8-2.27.

⁶² Cal. Code Regs. tit. 17, § 19030.

⁶³ Cal. Code Regs. tit. 17, § 19035.

While states could continue to regulate in-state producers under PICA, they may no longer be able to control the products sold within their boundaries if those products are produced under another state's laws. In the present example, Alaska and Nevada have no regulations regarding pet food production. Any of the remaining 48 states may therefore be required to accept all unregulated pet food shipments from these two states and could not interfere with their sale to consumers.



F. Recreational and Commercial Fishing

Recreational and commercial ocean fishing also could be affected by PICA. All fish and shellfish fall directly within the definition of “agricultural products” provided by PICA, regardless of whether the animals are farm-raised or wild-caught: “‘Agricultural products’ includes... fish and shellfish...”⁶⁴ States have long been afforded authority to regulate their coastal waters under the Submerged Lands Act. These areas, which generally extend 3 nautical miles from shore, are known as “state waters.”⁶⁵ Under the UN Convention on the Law of the Sea, the U.S. Government has exclusive rights to regulate up to 200 nautical miles from its shoreline—known as the Exclusive Economic Zone (“EEZ”).⁶⁶ Today, having given states control of waters from 0-3 nautical miles from shore, the federal government retains control of waters from 3-200 nautical miles off land.

A fishing vessel traveling seaward effectively could become an “out-of-state-producer” as soon as it cross this invisible boundary 3 nautical miles from shore. Any fish then caught in the EEZ could be considered an “agricultural product” that was “produced” out-of-state. The same would be true if the fishing vessel moved laterally into another state's waters. After securing its catch, when a fishing vessel crosses back over these territorial lines, it may become subject to laws of the state where it lands. Such regulations would appear to be preempted under PICA. Take, for example, Texas fishing regulations, which note explicitly that their authority extends to “all aquatic life caught in the Exclusive Economic Zone (EEZ) and landed in this state for a recreational or commercial purpose.”⁶⁷ PICA could preempt a whole host of fishing

⁶⁴ 7 U.S.C.A. § 1626.

⁶⁵ Two states, Florida and Texas, were given authority to regulate to 9 nautical miles from shore.

⁶⁶ *Federal Offshore Lands*, U.S. Bureau of Ocean Mgmt. available at <https://www.boem.gov/Federal-Offshore-Lands/>.

⁶⁷ 31 Tex. Admin. Code § 57.970.

regulations from equipment restrictions to licenses to bag limits.⁶⁸ In this case, a fishing vessel could return to Texas with its catch and not be bound by Texas law or have anyone aboard with a Texas fishing license.⁶⁹



G. Invasive Pests

Almost every state imposes laws regulating the import of agricultural products containing certain pests, diseases, or invasive species. Oftentimes, these regulations require inspection, quarantine, or place an embargo on products entering the state—each of which may be preempted by PICA.

Historically, states and the federal government have shared the authority to impose quarantines to prevent the introduction and spread of harmful plant pests. Under the Plant Protection Act of 2000,⁷⁰ states are free to impose their own quarantines or regulations where no federal quarantine is in place.⁷¹ Even where pests are under federal quarantine, states may further regulate or restrict their movement within the federal quarantine zone.⁷²

One pest that is regulated solely by state law is the glassy-winged sharpshooter. This insect causes Pierce's Disease, which afflicts grape crops by interfering with the plant's water collection system, ultimately causing the vine to die. The bugs also can affect citrus trees, almonds, and other crops. Researchers have estimated that Pierce's Disease costs California alone \$104 million in annual damages to the grape and wine industry.⁷³ Public spending to combat the disease is significant.⁷⁴ California and other states like Oregon, which also boast large wine industries, have implemented import restrictions on agricultural articles that may be carrying the pest—such as inspections, quarantines, and prohibitions on the interstate shipment

⁶⁸ Such as 31 Tex. Admin. Code § 57.992. At one point the bill notes that it applies to products “produced in another state,” but there is no provision to account for goods produced within areas of U.S. control that fall outside of the jurisdictional boundaries of states. PICA likely would apply in such circumstances, however, and more clearly to fish taken in one state and landed in another.

⁶⁹ One can imagine enforcement issues may follow if Texas were preempted from enforcing its fishing laws. Fisherman could easily claim catches took place in federal waters to skirt state restrictions.

⁷⁰ 7 U.S.C.A. § 7701 et seq.

⁷¹ 7 U.S.C.A. § 7756. For a complete list of federal domestic quarantines, see 7 C.F.R. §§ 301.1 to 301.99.

⁷² See Emerald Ash Borer Example. *Cooperative Emerald Ash Borer Project*, available at https://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/downloads/eab_quarantine_map.pdf.

⁷³ Kabir Tumber, *Pierce's Disease Costs California \$104 Million Per Year*, 68 California Agric. Vol 1-2, 20 (2014), available at <http://calag.ucanr.edu/archive/?type=pdf&article=ca.v068n01p20>.

⁷⁴ *Id.*

of certain plants.⁷⁵ PICA may interfere with those states' ability to enforce such regulations. For example, under PICA a law requiring out-of-state producers to treat agricultural products with pesticides to kill the sharpshooters prior to import arguably places an additional and impermissible condition on them. An outright ban on infested agricultural products carrying the bug could similarly be preempted as it would force out-of-state producers to do something they otherwise would not need to—namely ensure their shipments are pest-free.

The same would be true of products carrying *Xylella fastidiosa*, the bacteria causing phony peach disease (“PPD”).⁷⁶ Trees infected with PPD show few symptoms but soon stop producing fruit altogether. Because there is no cure for PPD, control efforts are limited to preventing spread of the disease.⁷⁷ Alabama, Georgia, Louisiana, and other states have implemented regulations to protect fruit stocks from PPD—many of which likely could not survive challenge under PICA.⁷⁸

Lumber and firewood are other vectors of pests and disease that frequently are regulated. Some states, such as New York, impose flat bans: “No person shall buy, sell, possess, or import, by any means, untreated firewood into this state from any location outside the state.”⁷⁹ Other states, like Illinois, employ licensing or labeling requirements.⁸⁰ In some cases, these laws are used to target certain specific pests. Others contain general prohibitions. Thirty states currently impose quarantines on firewood to prevent spread of the emerald ash borer—restrictions that operate in addition to the federal quarantine.⁸¹ Other common wood-borne threats include: gypsy moths, Asian long-horned beetles, thousand cankers disease, sudden oak death, and mountain pine beetles. Millions of acres and dollars have been lost to these insects, yet PICA could constrain state efforts to combat them.⁸²

⁷⁵ See Cal. Food & Agric. Code §§ 6461.5, 6461, Cal. Code Regs. tit. 3, § 3654, and Or. Admin. R. 603-052-1221.

⁷⁶ *Phony Peach Disease*, Texas A & M Agrilife Extension (Sept. 18, 2012), *available at* <http://counties.agrilife.org/upshur/files/2011/03/Phony-Peach-Disease.pdf>.

⁷⁷ Russell Mizell, *Phony Peach Disease*, *available at* <http://www.growables.org/information/LowChillFruit/documents/PeachPhonyUFQuincy.pdf>.

⁷⁸ Ala. Admin. Code r. 80-10-7; Ga Comp. R. & Regs. 40-4-13; La. Admin Code. tit. 7, Pt XV, §129.

⁷⁹ N.Y.Comp. Codes R. & Regs. tit. 6, § 192.5.

⁸⁰ Ill. Admin. Code tit. 8, § 240.125.

⁸¹ *Unintended Consequences of Transporting Firewood*, The EPA Blog (Nov. 22, 2016), *available at* <https://blog.epa.gov/blog/2016/11/unintended-consequences-of-transporting-firewood/>.

⁸² Hillary Rosner, *Pine Beetle Epidemic - The Bug That's Eating Our Woods*, National Geographic (April 2015), *available at* <http://chs.helenaschools.org/wp-content/uploads/sites/32/2015/08/Beetle-kill-article.pdf>.



H. Zoonotic and Infectious Disease

State laws intended to prevent the transfer and spread of zoonotic and infectious disease could be one of the most significant casualties of PICA. These regulations might affect everything from anthrax to salmonella to tuberculosis, Newcastle disease, brucellosis, scabies, rabies, and equine anemia.

Many forms of livestock and other animals “raised or produced on farms” are closely regulated, in part, because of their economic value. Bees are one example. According to White House reports, honey bees contribute \$15 billion to the United States economy annually.⁸³ Dozens of crop varieties depend on bees for pollination, with the almond industry alone requiring the services of 1.4 million beehives annually.⁸⁴ Each year, bees are trucked across the country to pollinate various cash crops throughout the seasons.⁸⁵ The same hive may be used to pollinate grapefruit in Florida, cherries in Montana, and avocados in California. However, captive bee populations have suffered significant losses in recent years due to disease.⁸⁶

All states except Minnesota have imposed some form of regulation governing the interstate movement of bees.⁸⁷ Most states require registration of apiaries, permits for movement

⁸³ *Fact Sheet: Economic Challenge Posed by Declining Pollinator Populations*, White House Press Secretary (June 20, 2014), available at <https://obamawhitehouse.archives.gov/the-press-office/2014/06/20/fact-sheet-economic-challenge-posed-declining-pollinator-populations>.

⁸⁴ *Id.*

⁸⁵ *10 Crops That Would Disappear Without Bees*, Fox News (July 19, 2012), available at <http://www.foxnews.com/food-drink/2012/07/19/10-crops-that-would-disappear-without-bees.html>.

⁸⁶ *Id.*

⁸⁷ Ala. Admin. Code r. 80-10-11-.02; Ala. Code § 2-14-4; Alaska Admin. tit. 11, § 35.020; 209 Ark. Code R. § 02.9-3; Cal. Food & Agric. Code §§ 29042; 29122; 8 Colo. Code Regs. § 1203-4:I; Conn. Gen. Stat. § 22-96; 3 Del. Admin. Code § 7510; 16 D.C. Mun. Regs. tit. 16, § 4017; Fl. Admin. Code Ann. r. 5B-54.001; Ga Comp. R. & Regs. 40-4-1-.03; Haw. Rev. Stat. § 150A-6; Idaho Admin. Code 02.06.30.200; Ill. Adm. Code tit. 8, § 60.60; 312 Ind. Admin. Code 18-3-6; Iowa Admin. Code r. 21-22.11(160); Kan. Admin. Regs. § 4-15-8; Ky. Rev. Stat. Ann. § 252.200; La. Admin Code. tit. 7, Pt XV, § 505; La. Rev. Stat. 3:2306; Me. Rev. Stat. tit. 7, § 2751; Me. Rev. Stat. tit. 7, § 2753; Md. Code Ann., Agric. § 5-505; Mass. Gen. Laws Ann. ch.128, § 35; Mich. Comp. Laws § 286.811; Miss. Code Ann. § 69-25-101; Mo. Rev. Stat. § 264.061; Mont. Code Ann. §§ 80-6-1107; 80-6-202; Neb. Rev. Stat. § 81-2,170; Neb. Rev. Stat. § 81-2,167; Nev. Rev. Stat. § 552.212; N.H. Rev. Stat. Ann. § 429:7; N.J. Stat. Ann. § 4:6-15; N.M. Stat. Ann. § 76-9-11; N.Y. Agric. and Mkts. Law § 175 (McKinney's); 2 N.C. Admin. Code 48A.0246; N.D. Admin. Code 36-14-04.1; Ohio Rev. Code § 909.10; Okl. Stat. Ann. tit. 2, § 3-117.1; Okla. Stat. Ann. tit. 2, § 3-106; Or. Rev. Stat. § 561.560; 3 Pa. Cons. Stat. § 2112; R.I. Gen. Laws Ann. § 4-12-8; S.C. Code Ann. § 46-37-10; S.D. Codified Laws § 38-18-25; Tenn. Comp. R. & Regs. § 44-15-113; Tex. Agric. Code Ann. §

of bees and equipment interstate, certificates of inspection, movable-frame hives, quarantine of diseased apiaries, or prohibit the sale or transfer of diseased material.⁸⁸ These requirements seek to limit and contain outbreaks of disease as well as parasites such as American foulbrood that jeopardize the survival of the hive. Because bees are transported through interstate commerce many months out of the year, and because of their necessity to the survival of other crops, any restriction on a state's authority to regulate the transport of bees could have serious consequences, as no federal laws exist that regulate bees, beehives, or their transport in commerce.

Chronic wasting disease ("CWD") is another area of concern. CWD is a degenerative neurologic disease, similar to mad cow disease, that affects farmed and wild deer. The disease is fatal, and there is no vaccine. Infected animals become emaciated, insatiably thirsty, salivate, and wander in circles.⁸⁹ There is some evidence to suggest CWD may become transmissible to humans.⁹⁰

CWD was recognized in the U.S. in captive deer herds in 1967.⁹¹ The disease received little attention, though, until the first case of CWD in free-ranging deer was confirmed in Wisconsin in 2002. It since has reached 24 other states.⁹² The disease easily spreads among wild and captive populations, giving both farmers and hunters cause for concern. A recent study in Tennessee estimated that an outbreak of CWD would cost the state \$98 million in hunting revenue and more than 1,400 jobs.⁹³ States where CWD is present are already feeling its impact. Many have experienced 10-40% decrease in hunting license sales.⁹⁴ Wisconsin lost over \$50 million from CWD throughout 2002-2003, in the first year after the disease was discovered there.⁹⁵

131.041; Utah Code Ann. § 4-11-111; Vt. Stat. Ann. tit. 6, § 3032; Va. Code Ann. § 3.2-4405; Va. Code Ann. § 3.2-4406; Wash. Rev. Code § 15.60.021; W. Va. Code Ann. § 19-13-7; Wis. Stat. Ann. § 94.76; Wyo. Stat. Ann. §§ 11-7-404, 11-7-302.

⁸⁸ *Federal and State Bee Laws and Regulations*, Beesource (Oct. 1980), available at <http://beesource.com/resources/usda/federal-and-state-bee-laws-and-regulations/>.

⁸⁹ *Fatal Deer Disease Would Impact More Than Hunters in Alabama*, Montgomery Advertiser (March 19, 2018), available at <https://www.montgomeryadvertiser.com/story/news/2018/03/19/fatal-deer-disease-causing-concern-alabama/431635002/>.

⁹⁰ *Transmission Prion Disease*, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/prions/cwd/transmission.html>.

⁹¹ *Chronic Wasting Disease Management Plan*, Texas Parks and Wildlife and Texas Animal Health Commission (March 2015), available at https://tpwd.texas.gov/huntwild/wild/diseases/cwd/media/CWD_ManagementPlan_02March2015.pdf.

⁹² *Supra* note 89.

⁹³ *Projected Economic Impacts of a Chronic Wasting Disease (CWD) Outbreak in Tennessee*, University of Tenn. Dept. of Agric. Econ., available at <https://web.utk.edu/~aimag/pubs/CWD.pdf>.

⁹⁴ *Id.*

⁹⁵ Richard Bishop, *The Economic Impact of Chronic Wasting Disease (CWD) in Wisconsin*, 9 Human Dimensions in Wildlife (issue 3) 181 (2004), available at <https://www.tandfonline.com/doi/abs/10.1080/10871200490479963>.

Movement of infected cervids⁹⁶ is the primary way CWD spreads. Currently, three states prohibit all import of cervids.⁹⁷ Forty-five others impose additional requirements on top of federal standards.⁹⁸ These states either prohibit the importation of cervids from any county, region, or state that is endemic for CWD, require that the state exporting the cervid be enrolled in an official CWD monitoring and certification program, or require that there has been no diagnosis of CWD in the originating herd or imported cervid.⁹⁹

Poultry disease laws also may be affected by PICA. Avian influenza comes in various forms and affects domestic poultry as well as over 100 species of wild birds.¹⁰⁰ In its more severe form, the virus causes between 90-100% mortality in domesticated poultry.¹⁰¹ The most recent major outbreak in 2015 cost an estimated \$3.3 billion in losses¹⁰² and resulted in the destruction of 50,000,000 birds,¹⁰³ in what some officials called “the largest animal-health emergency in this country’s history.”¹⁰⁴ Many farmers not only lost their entire flocks, but also were required to go through a rigorous disinfection process before repopulating their barns.¹⁰⁵ Several countries

⁹⁶ Cervids include hoofed mammals of the family *Cervidae*, which includes deer and elk.

⁹⁷ Ark. Admin. Code 002.00.1-09.11; Conn. Agencies Regs. § 22-278-6; 321 Mass. Code Regs. 2.15.

⁹⁸ Ala. Admin. Code r. 220-2-.26; 18 Alaska Admin. tit. § 36.175 et seq.; Ariz. Admin. Code § R12-4-430; Cal. Code Regs. tit. 14, § 712; Cal. Code Regs. tit. 14, § 671; 8 Colo. Code Regs. 1201-17:3; 3 Del. Admin. Code 905-4.0; Fla. Admin. Code Ann. 68A-4.0051; Ga Comp. R. & Regs. 40-13-2-.13; Ga Comp. R. & Regs. 391-4-9-.05; Haw. Code R. § 4-71-6; Haw. Code R. § 4-71 Attachment 3; Idaho Admin. Code r. 02.04.19.014; Idaho Admin. Code r. 02.04.21.600; 17 Ill. Admin. Code 635.20; 345 Ind. Admin. Code 2-7-2.4; Iowa Admin. Code 571-104.20(481A); Kan. Admin. Regs. 9-3-9; 302 Ky. Admin. Regs. 20:040; La. Admin. Code tit. 7, Pt XXI, § 1717; La. Admin. Code tit. 76, Pt V, § 119; 01-001 Me. Code R. Ch. 206, § 4; 09-137 Me. Code R. Ch. 4, § 4.09; Md. Code Regs. 08.03.09.12; Mich. Comp. Laws § 287.730a; Minn. R. 1721.0400; Miss. Code R. 2-101-2:06; Mo. Code Regs. Ann. tit. 2, 30-2.010; Mont. Admin. R. 32.4.1309; Mont. Admin. R. 32.4.502; Neb. Admin. Code 23.2.013; N.H. Code R. Agric. 2116.02; N.H. Code R. Agric. 309.01; N.J. Admin. Code 7:25-10.10; N.J. Admin. Code 2:3-8.6; N.M. Code R. § 19.35.7; 1 NY Comp. Codes R. & Regs., tit. 1, § 62.7; 15A N.C. Admin. Code 10B.0101; N.D. Admin. Code 48.1-09-03-01; Ohio Admin. Code 901:1-1-01; Okla. Admin. Code 35:15-47-18; Okla. Admin. Code 800:25-24-3; Or. Admin. R. 603-011-0382; 58 Pa. Code § 137.35; 7 Pa. Code § 3a.3; R.I. Code R. 25-8-12:2.10; R.I. Code R. 25-8-12:2.14; S.D. Admin. R. 12:68:25:17; Tenn. Comp. R. & Regs. 0080-02-01-.12; Tenn. Comp. R. & Regs. 1660-01-15-.02; 4 Tex. Admin. Code § 51.10; 4 Tex. Admin. Code § 40.2; Utah Admin. Code R58-1; 2 Va. Admin. C 5-30-30; 4 Va. Admin. Code 15-90-293; Vt. Code R. 2-4-316:IV; Vt. Code R. 16-4-117:3.0; Vt. Code R. 2-4-301:III; Wash. Admin. C 16-70-020; Wash. Admin. C 220-413-030; W. Va. Code St. R. § 58-69-3; Wis. Admin. Code § ATCP 10.55; WY Rules and Regs. Ch. 10, s App. II; WY Rules and Regs. Ch. 2, s 15.

⁹⁹ *Id.*

¹⁰⁰ *Avian Influenza in Birds*, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/flu/avianflu/avian-in-birds.htm>.

¹⁰¹ *Id.*

¹⁰² Maryn McKenna, *Bird Flu Could Cost the US \$3.3 Billion and Worst Could Be Coming*, National Geographic, (July 15, 2015), available at <http://phenomena.nationalgeographic.com/2015/07/15/bird-flu-2/>.

¹⁰³ *Impacts of the 2014-2015 Highly Pathogenic Avian Influenza Outbreak on the US Poultry Sector*, USDA Economic Research Service, available at <https://www.ers.usda.gov/webdocs/publications/86282/ldpm-282-02.pdf?v=43089>. Losses were equivalent to 12% of all egg-laying hens in the U.S. and 8% of all turkeys.

¹⁰⁴ *Supra* note 100.

¹⁰⁵ *Id.*

blocked U.S. poultry exports following the outbreak. With no vaccine and a virus that is highly contagious, experts believe another outbreak is likely to occur.¹⁰⁶

Forty-seven states have taken steps to protect their flocks from avian influenza, by establishing reporting requirements, disease control measures, quarantines, and veterinary permitting systems.¹⁰⁷ Iowa has implemented regulations that state, “No...poultry...that is affected with, or that has been...exposed to, any infectious, contagious or communicable disease or that originates from a quarantined area [may] be shipped or...moved into Iowa” without special approval.¹⁰⁸ Such a restriction may run afoul of PICA in placing an additional restriction on out-of-state producers—namely, that their birds not be exposed to avian influenza. A ban on birds originating from quarantined areas outside the state goes a step further. All poultry coming into Iowa must be accompanied by a certificate of veterinary inspection “on an official form of the state of origin.”¹⁰⁹ Both the documentation itself and the requisite visit by an accredited veterinarian impose standards on out-of-state producers. Simple sanitization requirements also may be called into question. Iowa provides that, “All stock cars and trucks used for hauling into the state of Iowa livestock (cattle, horses, sheep, goats, Cervidae, poultry and swine) for feeding, breeding, or stock purposes must be cleaned and disinfected before such shipments of livestock are loaded.”¹¹⁰ This law appears to typify the kind of regulation PICA is targeting. The cleaning requirement is a “condition [imposed] on...production” that must “occur in another State” prior

¹⁰⁶ *Id.*

¹⁰⁷ Ala. Admin. Code r. 80-3-6-.35; Ala. Admin. Code r. 80-3-18-.02 et seq.; 18 Alaska Admin. Code tit. 36.215; Ark. Admin. Code §125.00.11; Ark. Admin. Code §125.00.15 et seq.; Cal. Code Regs. tit. §3, 821.4; Cal. Code Regs. tit. 8, §1201-20:7; Conn. Agencies Regs. § 22-324-1; 3 Del. Admin. Code 901-2.0; 3 Del. Admin. Code 904-15.0 et seq.; Fla. Admin. Code Ann. rr. 5C-3.001, 5C-16.001 et seq.; Ga. Comp. R. & Regs. 40-13-1-.03 et seq.; Ga Comp. R. & Regs. 40-13-4-.02; Haw. Code R. § 4-28-8; Idaho Admin. Code 02.04.03.302; Ill. Adm. Code tit. 8, § 85.10; Ill. Adm. Code tit. 8, § 85.125; 345 Ind. Admin. Code 1-6-2; 345 Ind. Admin. Code 4-4-4; Iowa Admin. Code r. 21-64.185(163); Iowa Admin. Code r. 21-65.1(163); Iowa Admin. Code r. 21-65.3(163); Kan. Admin. Regs. § 9-27-1; 302 Ky. Admin. Regs. 20:040; 302 Ky. Admin. Regs. 20:250; La. Admin Code. tit. 7, Pt XXI, §105; 01-001 Me. Code R. 206, § 4; 01-001 Me. Code R. Ch. 206, § 5; Minn. R. 1721.0360; 2-101 Miss. Code R. 2:12; 2 Mo. Code Regs. Ann. tit. § 30-1.020; Mont. Admin. R. 32.3.104; 23 Neb. Admin. R. & Regs. Ch. 1 § 004; 173 Neb. Admin. R. & Regs. Ch.1, § 1-004; Nev. Admin. Code § 441A.085; N.H. Code Admin. R. Agric. 2114.01; N.J. Admin. Code 2:3-1.1; N.J. Admin. Code 2:3-7.1 et seq.; N.J. Admin. Code 2:5-4.1; N.M. Code R. § 7.4.3; 1 N.Y. Comp. Codes R. & Regs. tit. 45.1; 1 N.Y. Comp. Codes R. & Regs. tit. 45.5; 2 N.C. Admin. Code 52B.0603; 2 N.C. Admin. Code 52C.0603; N.D. Admin. Code 48.1-09-03-01; N.D. Admin. Code 48.1-10-01-01; Ohio Admin. Code 901:1-21-02; Okla. Admin. Code § 35:15-11-41; Org. Admin. R 603-011-0375; Org. Admin. R. 333-018-0015; Org. Admin. R. 603-011-0212; 7 Pa. Code § 3.113; R.I. Code R. § 25-3-27:1.14; R.I. Code R. § 25-15-100, App. IV; S.C. Code Ann. Regs 27-1011, 27-1014; Tenn. Comp. R. & Regs. 0080-02-01-.10; Tenn. Comp. R. & Regs. 0080-02-16-.02; 4 Tex. Admin. Code § 51.15; 4 Tex. Admin. Code § 54.9; Utah Admin. Code r. 58-6; Utah Admin. Code r. 70-410; 2 Va. Admin. Code § 5-30-30; 2 Va. Admin. Code § 5-141-60; Vt. Code R. 2-4-301:III; Wash. Admin. Code 16-54-145; Wash. Admin. Code 16-70-020t; W. Va. Regs. § 61-1-3; Wis. Admin. Code Amin. Disease & Movement Ch. 10, App. A; Wis. Admin. Code Amin. Disease & Movement § 10.83; 8 Wyo. Code R. § 19.

¹⁰⁸ Iowa Admin. Code r. 21-65.3(163).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

to the “agricultural products” (here, “livestock and poultry”) being “sold or offered for sale in interstate commerce.”¹¹¹

Aquaculture and fish farming may also be impacted by PICA. Over twenty states require that fish moving in interstate commerce be accompanied by permits or health inspection certifications.¹¹² One aquatic disease of concern is viral hemorrhagic septicemia (“VHS”), which manifests itself through bleeding, bulging eyes, and open sores.¹¹³ The disease can be transmitted by infected fish or through water.¹¹⁴ Federal regulation was enacted following an outbreak in 2006. However, in 2014, the USDA announced that it was withdrawing those regulations that restricted the interstate movement of fish from VHS infected areas because they “had become duplicative with State regulations” and “could safely be removed as long as States maintain existing VHS regulations and other practices to reduce risk.”¹¹⁵ PICA would have the perverse effect of preempting these state laws, despite the reasoning above, and leaving populations vulnerable to disease.



I. Transportation

PICA may preempt state requirements governing the transportation of goods. If out-of-state producers have to change the way they prepare and ship goods, such changes could amount to an “addition[al]... standard or condition.” For instance, Michigan requires that restaurant grease and animal carcasses, both agricultural products, be transported in a “leak-proof

¹¹¹ 7 U.S.C.A. § 1626.

¹¹² Ark. Code R. 002.00.1-11.01; Cal. Code Regs. tit. 14, 236; 2 Colo. Code Regs. 406-0:014; 17 Ill. Code R. 870.50; 312 Ind. Admin. Code 9-10-14; Iowa Admin. Code 571 - 89.2; Kan. Admin. Regs. 115-18-10; 301 Ky. Admin. Regs. 1:125; Mich. Comp. Laws § 287.729a; Minn. Stat. §§ 17.4986, 17.4985; Mo. Code Regs. Ann. tit. 2, 30-2.010 (14), (15); Mont. Code Ann. §§ 87-3-210 to 87-3-227; 163 Neb. Admin. Code chap. 2, § 001.07; N.D. Admin. Code 30-03-02-06; Ohio Admin. Code 901:1-17-13, 901:1-17-14; Okla. Admin. Code § 35:50-1-1 et. seq.; Penn. Stat. Ann. § 73.1 et seq.; S.D. Admin. R. § 41:09:08:03.03; Tenn. Comp. R. & Regs. 1660-1-26-.02, 1660-1-18-.02; W. Va. Code R. § 20-2-13; Wisc. Admin. Code. Agric., Trade Cons. Prot. § 10.65; 10 Wyo. Code R. § 3.

¹¹³ *Viral Hemorrhagic Septicemia*, Iowa State University Center for Food Security and Pul. Health (May 2007), available at http://www.cfsph.iastate.edu/Factsheets/pdfs/viral_hemorrhagic_septicemia.pdf.

¹¹⁴ *Id.*

¹¹⁵ Rules and Regulations Department of Agriculture—Animal and Plant Health Inspection Service, 9 C.F.R. Parts 71, 83, and 93, [Docket No. APHIS-2007-0038], 80 FR 2285-01, available at 2015 WL 188398 (F.R.).

container.”¹¹⁶ Ohio, however, has no such law. Even so, any Ohio producer wishing to ship these goods to customers across the border in Michigan must transport them in a manner that prevents leaking. Because repacking the products or changing delivery vehicles at the state line is not a practical alternative, Michigan effectively requires that Ohio producers pack products according to Michigan laws, laws that may be jeopardized under PICA. Other such laws require sanitization of transport containers, temperature controls, covering of indecent cargo, and the like.



J. Procurement and Buyer Restrictions

Another category of laws that may be affected by PICA are those that restrict certain purchasers or classes of buyers. While state regulations rarely force an out-of-state producer to take specific action, they often can bring about this result indirectly by placing restrictions on sale. The true power states wield is the power to break up a potential transaction—to tell producers “you cannot sell your good to this buyer living in our state.” While any given regulation may focus on restricting the seller from selling, it equally could restrict the buyer from buying. The majority of laws discussed thus far impose regulations on selling, but restrictions on purchasing also may be affected. For example, state procurement laws limit the purchasing choices of a certain segment of the market, namely public entities. Consider this law from Louisiana:

Each procurement officer, purchasing agent, or similar official who procures or purchases agricultural or forestry products, including meat, seafood, produce, eggs, paper and paper products under the provisions of this Chapter shall procure or purchase Louisiana products provided...the product is equal...in quality to other products... [and] the cost of the Louisiana product shall not exceed the cost of other products by more than ten percent.

La. Rev. Stat. Ann. §.39:1595.

Put differently, out-of-state producers must create a product of higher quality and price it more competitively or else lose sales to in-state producers. In this sense, Louisiana is imposing

¹¹⁶ Mich. Admin. Code r. 287.653.

standards or conditions on those out-of-state producers. While this statute governs only public purchasers, these purchasers may constitute a large share of the market for particular products given the food needs of public schools, prisons, government offices, and state hospitals.¹¹⁷

One particular area where procurement laws may be at issue is non-purchase regulations. “Pink slime,” a term for meat filler or byproducts treated with ammonia or other antibacterial agents, made headlines in 2012 follow a controversial ABC news report condemning the product.¹¹⁸ In the wake of concerns raised by the report, several states and municipalities passed legislation¹¹⁹ forbidding the purchase of meat products containing “pink slime” for use in school lunch programs.¹²⁰

In addition to procurement laws, PICA could undermine a vast swath of laws restricting private buyers, such as those setting minimum age requirements to purchase tobacco. State regulations requiring out-of-state producers to take specific steps to verify the age of in-state buyers would likely be preempted by PICA. In addition, minimum age requirements of buyers could also be preempted.

Currently, a tobacco producer in Mississippi (where the minimum age of purchase is 18) is restricted from selling its products across the border in Alabama to buyers under 19 years old, although they are free to sell to Alabama customers over the age of 19. Under PICA, such restrictions potentially could be preempted as Alabama’s restriction is both above the federal floor (18 years of age), and the floor of the producing state (18 years of age).¹²¹ As it stands, an out-of-state producer is prohibited by Alabama from accessing that portion of the market (18 year-olds living in Alabama). These conditions operate by imposing an additional condition on producers—namely that they must verify the age of buyers prior to selling to them and refrain from selling them when buyers are underage.

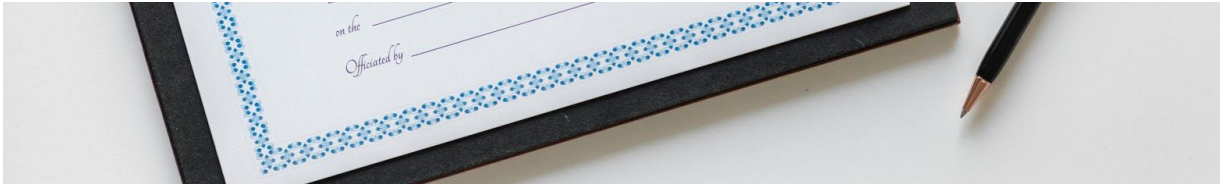
¹¹⁷ It should be noted that an attempt to enforce PICA against such state procurement laws might be vulnerable to a Tenth Amendment challenge.

¹¹⁸ *Consumer Concerns About What’s In Ground Beef*, NewsNet5.com (Mar. 8, 2012), available at <https://web.archive.org/web/20131124050837/http://www.newsnet5.com/dpp/news/consumer-concerns-about-whats-in-ground-beef>.

¹¹⁹ The USDA’s National School Lunch Program announced that it would allow participating states to choose to order meat with or without “pink slime” following public outcry over the product.

¹²⁰ *Schools In Majority of State Including Ohio to Order Ground Beef Without Pink Slime*, NewsNet5.com (June 7, 2012), available at <https://web.archive.org/web/20130809085651/http://www.newsnet5.com:80/dpp/news/health/schools-in-majority-of-states-including-ohio-to-order-ground-beef-without-pink-slime>.

¹²¹ Illogically, if these laws were preempted with respect to out-of-state producers, they still would bind home-state producers. So while 18-year olds in Alabama then could buy imported cigarettes they still would not be allowed to purchase cigarettes made in Alabama.



K. Licensing and Permitting of Businesses

Many industries require sellers or producers to be licensed. States impose licensing requirements for a variety of reasons—to ensure safety standards are being met, to track the supply chain of goods sold within the state, and to protect the market from unfit producers. Often times, these requirements work as part of a larger regulatory scheme. For instance, Kansas requires out-of-state “pet distributors” to obtain a license from the state to sell their products.¹²² On the licensing application, distributors are asked to disclose prior convictions for “any crime relating to theft or cruelty to animals.”¹²³ PICA would force states to relinquish such control with respect to permitting, licensing, and otherwise regulating out-of-state producers.



L. Commercial Recordkeeping

States also could be prevented from requiring out-of-state producers to keep records. Required records may relate to safety standards, sanitization, production conditions, or something as simple as the county of origin where the good was produced. Alligator farmers hoping to sell their products in Florida must keep track of which processor handled the meat and on what day it was packaged.¹²⁴ In Louisiana, sellers must keep track of the date of sales, number of alligator pelts exchanged, and to whom they were sold.¹²⁵ Even where the buyers of alligator pelts are required to retain information regarding the pelt’s origin, as in Georgia, the sellers are burdened indirectly as well because they must provide those buyers with the documentation.¹²⁶ All such recordkeeping requirements allow states to ensure that products come from reputable and legal sources, but could face threat of preemption under PICA.

¹²² Kan. Stat. Ann. § 47-1734.

¹²³ See Kansas Department of Agriculture 2017-2018 Out-Of-State Distributor License application form, *available at* <http://agriculture.ks.gov/docs/default-source/rc-ah-afi-documents/ah---out-of-state-distributor.pdf?sfvrsn=13>.

¹²⁴ Fla. Admin. Code Ann. r. 68A-25.052.

¹²⁵ La. Rev. Stat. Ann. § 56:255.

¹²⁶ Ga. Code Ann. § 27-3-19.



IX. CONCLUSION

PICA would have widespread and unknown effects extending far beyond consumers and the agricultural industry. Large and important questions are left open by the language of the bill. Each of these unresolved questions has the potential to determine the fate of whole industries. Even for those who stand to benefit, this uncertainty and disruption could be significant.

PICA could remove thousands of regulatory constraints on agricultural producers. The bill would significantly curtail the ability of state and local governments to regulate the production, transport, and sale of agricultural products. Producers may enjoy less oversight as a result, and subsequently allocate fewer resources to regulatory compliance.

At the same time, agricultural producers may suffer unintended negative consequences from PICA. Some of the regulations preempted by the bill exist to help producers by shielding them from liability and risk. Other forms of regulation, such as licensing, protect the industry as a whole by preventing sub-par producers from undermining its integrity. The same is true of quality control measures that safeguard the industry against lost business and public relations problems resulting from incidents such as outbreaks of foodborne illness. Consumer confidence could suffer insofar as it is linked to the perception of adequate industry regulation. Finally, many producers depend on their state governments to protect them from exposure to imported pests or disease.

While some producers stand to benefit significantly from deregulation, consumers also could benefit from lower prices. However, this change may be offset by increased health and safety risks. In some areas, PICA threatens to create regulatory voids. It could create loopholes where none existed before and leave entire sections of industries unregulated. The vast majority of laws PICA would preempt were drafted for the benefit of consumers. Without them, product quality, transparency, and safety may suffer.

Should it pass, PICA could tip the balance of federalism, shifting agriculture from the province of the states toward federal administrative agencies. The USDA and FDA, among others, would be tasked with filling the holes left by the laws PICA erased. This shift could trigger other changes. There could be significant budgetary costs associated with this transfer of regulatory authority from the states to federal agencies.

Congress and federal agencies, bound by administrative rules, are relatively slow to act. The lag time created by removing agricultural subjects from state control could pose risks with respect to issues of public safety or outbreaks of disease. As written, state and local governments could be enjoined from trying to act in times of crisis by those who stand to benefit financially.

In addition, while laws might become more consistent across jurisdictions, states or local districts with specific needs or concerns could become unable to protect those interests without Congressional action.

Though much about PICA remains uncertain, the bill is sure to spawn significant litigation through its citizen suit provision. With thousands of agriculture-related state laws, each susceptible to challenge by any number of parties for claims dating back to 2008, the federal court system could be overwhelmed.

PICA itself also could face a number of legal challenges. These could consist of constitutional challenges to limit its authority as well as general questions of scope, interpretation, and application. It may be several years before courts are able to provide a functional understanding of PICA's meaning.

The agricultural industry has undergone rapid change in recent years with the advent of new technology, genetic modification of crops, and other innovations. Representative King's bill comes at a critical moment when production methods are poised to enter an era of even more rapid change. PICA has the potential to push state and local governments entirely out of the policy and legislative arena both in policing and fostering these new methods. PICA also may limit their capacity to protect the health and safety of their citizens with respect to emerging technologies.

The laws and regulations discussed in this report are only a preliminary assessment of the scope and impact of PICA. See the attached index for a more comprehensive sample of laws and regulations that PICA may affect.

ANIMAL LAW &
POLICY PROGRAM
HARVARD LAW SCHOOL



**Index of Laws and Regulations
Potentially Preempted
by H.R. 4879:
The “Protect Interstate
Commerce Act of 2018”**

MAY 2018

This Index is a
supplement to our report:
Legislative Analysis of H.R. 4879:
The “Protect Interstate
Commerce Act of 2018”



Index Overview

The following laws and regulations may face substantial uncertainty if Congress were to pass the Protect Interstate Commerce Act of 2018 (PICA) or incorporate it into the Agriculture and Nutrition Act of 2018 (U.S. Farm Bill). While it is difficult to quantify all of the laws and regulations that may face federal preemption under PICA, this index provides a sample of those that potentially could be rendered unenforceable depending upon how courts interpret the language of the bill. It is neither exhaustive nor representative of all areas that may be affected.¹

¹Click on section headings in the table of contents to travel to that page in the document. Laws for particular states may be located using a “control + find” search for the state’s postal initials.

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I. Food

- Food Safety Generally

- Date Labels

- These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.

- Laws Potentially Impacted:

- AK Alaska Admin. Code tit. 18, § 31.200
 - AZ Ariz. Rev. Stat. Ann. § 3-719
 - AR Code Ark. R. 007.04.8-3-2
 - CA Cal. Food & Agric. Code § 36004
Cal. Health & Safety Code § 114039
Cal. Code Regs. tit. 3, § 627
 - CO 8 Colo. Code Regs. § 1202-10
 - CT Conn. Gen. Stat. Ann. § 22-197b
Conn. Agencies Regs. 22-133-131
 - DE Code Del. Regs. 4458-3-202
 - FL Fla. Admin. Code Ann. r. 5K-10.003
Fla. Admin. Code Ann. r. 5L-1.007
 - GA Ga. Comp. R. & Regs. 40-2-3-.01
Ga. Comp. R. & Regs. 40-3-1-.01
Ga. Comp. R. & Regs. 40-7-1-.13
 - HA Haw. Code R. 11-15-39
 - IL Ill. Admin. Code tit. 8, § 65.30

- IN 370 Ind. Admin. Code 1-3-2
 410 Ind. Admin. Code 7-24-156

- KS Kan. Stat. Ann. § 2-2509

- KY 902 Ky. Admin. Regs. 45:020
 902 Ky. Admin. Regs. 50:010
 902 Ky. Admin. Regs. 50:080

- ME Code Me. R. tit. 01-001 Ch. 331, § 3-2
 Code Me. R. tit. 13-188 Ch. 15, § 15.21

- MD Md. Code Regs. 10.15.06.10

- MA 105 Mass. Code Regs. 500.006

- MI Mich. Comp. Laws Ann. § 288.539
 Mich. Comp. Laws Ann. § 289.8107

- MN Minn. R. 1520.1900
 Minn. R. 1550.1060

- MS Code Miss. R. 22-1-12:11

- MT Mont. Admin. R. 32.8.203

- NV Nev. Admin. Code 446.179
 Nev. Admin. Code 446.637
 Nev. Admin. Code 584.4321

- NH N.H. Rev. Stat. Ann. § 184:30-g
 NH Code Admin. R. Ann. Agric. 1412.04

- NJ N.J. Stat. Ann. § 24:10-57.23
 N.J. Admin. Code § 8:21-10.20
 N.J. Admin. Code § 8:24-3.2

- NM N.M. Admin. Code 21.34.5.9

- NC 15A N.C. Admin. Code 18A.0614
- OH Ohio Rev. Code Ann. § 3715.171
Ohio Admin. Code 901:3-8-03
- OK Okla. Stat. Ann. tit. 2, § 10-72
Okla. Admin. Code 310:257-5-15
- OR Or. Rev. Stat. Ann. § 616.815
Or. Admin. R. 603-025-0080
- PA 7 Pa. Code § 59a.15
- SC S.C. Code Ann. § 39-39-140
- TX 25 Tex. Admin. Code § 241.66
- VT 12-5 Vt. Code R. § 30
- VA 2 Va. Admin. Code 5-531-60
2 Va. Admin. Code 5-585-400
- WA Wash. Rev. Code Ann. § 69.04.905
- WV W. Va. Code R. 61-7A-6
- WI Wis. Admin. Code ATP § 70.21
Wis. Admin. Code ATP § 88.34
- WY Wyo. Admin. Code § AGR FSF Ch. 3 s
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■ Alteration of Dating Labels

- These regulations prohibit manufacturers from altering “sell-by” labels in certain ways. They are intended to protect transparency and the integrity of the label.

- Laws Potentially Impacted:

- AL Ala. Code § 20-1-27
Ala. Admin. Code 80-1-22-.36
- CO 6 Colo. Code Regs. § 1010-2:3-701
- CT Conn. Agencies Regs. 22-133-123
- OR Or. Rev. Stat. Ann. § 616.830
- VA 2 Va. Admin. Code 5-531-60
- WA Wash. Admin. Code 16-142-150
- WI Wis. Admin. Code ATPC § 88.34

- Damaged Foods

- These laws prohibit the sale or consumption of foods damaged by floods by deeming them “adulterated” or “misbranded” under the state’s food safety code.

- Laws Potentially Impacted:

- OR Or. Rev. Stat. Ann. § 616.250
 - RI 21 R.I. Gen. Laws Ann. § 21-31-3
 - MN Minn. Stat. § 31.495

- Date Packaged, Produced, or Harvested

- These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.

- Laws Potentially Impacted:

- AR Code Ark. R. 007.04.8-3-2
- CO 8 Colo. Code Regs. § 1202-10
- FL Fla. Admin. Code Ann. r. 5L-1.007
- IN 410 Ind. Admin. Code 7-24-156
- IA Iowa Admin. Code r. 21-36.8(196)
- LA 7 La. Admin. Code Pt V, 929
- ME Code Me. R. tit. 13-188 Ch. 15, § 15.21
- MS Code Miss. R. 22-1-12:11
- MT Mont. Admin. R. 32.8.203
- OH Ohio Admin. Code 901:3-8-03
- OK Okla. Admin. Code 310:257-5-15
- SC S.C. Code Ann. § 39-39-140
- TX 25 Tex. Admin. Code § 241.66
- VT 12-5 Vt. Code R. § 30
- VA 2 Va. Admin. Code 5-585-400
- WI Wis. Admin. Code ATP § 70.21
- WY Wyo. Admin. Code § AGR FSF Ch. 3 s 11

■ Sale of Expired Foods

- These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.

○ Laws Potentially Impacted:

- AL Ala. Code § 20-1-27
- CO 8 Colo. Code Regs. § 1202-10
- FL Fla. Admin. Code Ann. r. 5L-1.002
Fla. Admin. Code Ann. r. 5L-1.007
Fla. Admin. Code Ann. r. 5K-10.003
- GA Ga. Comp. R. & Regs. 40-3-1-.01
Ga. Comp. R. & Regs. 40-7-1-.02
Ga. Comp. R. & Regs. 40-7-1-.13
- IL Ill. Admin. Code tit. 8, § 65.30
- KY 902 Ky. Admin. Regs. 50:080
- MD Md. Code Regs. 10.15.06.1
Md. Code Regs. 10.15.06.10
- MA 105 Mass. Code Regs. 500.006
- MI Mich. Comp. Laws Ann. § 288.539
Mich. Comp. Laws Ann. § 289.8107
- MT Mont. Admin. R. 32.8.203
- NV Nev. Admin. Code 446.181
- NJ N.J. Stat. Ann. § 24:10-57.23
N.J. Admin. Code § 8:21-10.20
- NM N.M. Admin. Code 21.34.5.16
- OR Or. Rev. Stat. Ann. § 616.825
- PA 7 Pa. Code § 59a.15

- VA 2 Va. Admin. Code 5-531-60
- WA Wash. Admin. Code 246-215-03265
- WI Wis. Admin. Code ATP § 88.34

● Meat

- Date Labeling and Sale of Expired
 - These laws either provide specific date labeling requirements or restrict the sale of meat to customers past the expiration date provided.
 - Laws Potentially Impacted:
 - AL Ala. Admin. Code 80-1-22-.36
 - MI Mich. Comp. Laws Ann. § 289.8107
 - OR Or. Admin. R. 603-025-0080

● Veal

- Housing Requirements for Veal Calves
 - These laws prohibit the sale of veal meat produced from calves raised in certain types of confinement systems.
 - Laws Potentially Impacted:
 - MA M.G.L.A. 129 App. § 1-3

● Pork

- Housing Requirements for Gestating Sows and Offspring
 - These laws prohibit the sale of pork meat of an animal housed in certain types of confinement systems as well as the meat of the immediate offspring of such animal.

- Laws Potentially Impacted:

- MA M.G.L.A. 129 App. § 1-3

- Poultry

- Date Labels

- These regulations require the use of pull dates or “sell-by” date labeling on poultry products.
 - Laws Potentially Impacted:

- OR Or. Admin. R. 603-025-0080

- Foie Gras

- Prohibition on Sale of Duck and Goose Liver

- These laws prohibits foie gras from being offered for sale within the state in cases where the product is produced through force-feeding.
 - Laws Potentially Impacted:

- CA West's Ann.Cal.Health & Safety Code § 25982

- Dairy

- Date Labels

- These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - Laws Potentially Impacted:

- CA Cal. Food & Agric. Code § 36004
Cal. Code Regs. tit. 3, § 627

- CT Conn. Gen. Stat. Ann. § 22-197b
Conn. Agencies Regs. 22-133-123

- FL Fla. Admin. Code Ann. r. 5K-10.003
- GA Ga. Comp. R. & Regs. 40-2-3-.01
Ga. Comp. R. & Regs. 40-7-1-.02
Ga. Comp. R. & Regs. 40-7-1-.13
- HI Haw. Code R. 11-15-39
- KY 902 Ky. Admin. Regs. 50:010
902 Ky. Admin. Regs. 50:080
- MD Md. Code Regs. 10.15.06.10
Md. Code Regs. 10.15.06.11
- MI Mich. Comp. Laws Ann. § 288.539
- MT Mont. Admin. R. 32.8.203
- NV Nev. Admin. Code 584.4321
- NJ N.J. Stat. Ann. § 24:10-57.23
N.J. Admin. Code § 8:21-10.20
- NM N.M. Admin. Code 21.34.5
- OR Or. Admin. R. 603-025-0080
- PA 7 Pa. Code § 59a.15
- VA 2 Va. Admin. Code 5-531-60

- Milk

- Purity Requirements

- These laws impose purity requirements on manufacturers of milk who wish to offer their products for sale within the state and prohibit the intermixing of oils or other ingredients.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 17A

- Licensing

- These laws impose licensing requirements on manufacturers of milk who wish to offer their products for sale within the state.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 40

- Grade “A” Milk

- The Pasteurized Milk Ordinance, or “PMO,” is a basic standard used for the processing and packaging of Grade “A” milk. Some states adopt this model standard and others set their own standards that are at least as stringent as the PMO. These state standards apply both to milk processed within the state and milk sold in the state from across lines.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 420-3-16-.08
- AZ A.A.C. R3-2-802
- AR Ark. Admin. Code 007.10.3-II
- FL Rule 5K-10.003, F.A.C.
- GA Ga. Comp. R. & Regs. 40-2-15-.01
- IA Iowa Admin. Code 21-68.12(192)
- IL 77 Ill. Adm. Code 775.30
- KS K.A.R. 4-7-716
- KY 902 Ky. Admin. Regs. 50:110
- LA La. Admin Code. tit. 51, Pt VII, § 355

- MA 330 CMR 27.08
- MO 2 Mo. Code of State Regulations 80-3.130
- NY 1 NYCRR 2.8
- OH OAC 901:11-1-02
- PA 7 Pa. Code § 59a.21
- TN Tenn. Comp. R. & Regs. 0080-03-02-.07
- TX 25 TAC § 217.21
- VA 2 VAC 5-490-50

- Eggs

- Date Labels

- These laws require egg containers be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - Laws Potentially Impacted:

- AK Alaska Admin. Code tit. 18, § 31.200
 - AZ Ariz. Rev. Stat. Ann. § 3-719
 - CT Conn. Agencies Regs. 22-133-131
 - GA Ga. Comp. R. & Regs. 40-3-1-.01
Ga. Comp. R. & Regs. 40-7-1-.02
Ga. Comp. R. & Regs. 40-7-1-.13
 - IL Ill. Admin. Code tit. 8, § 65.30
 - IN 370 Ind. Admin. Code 1-3-2
 - IA Iowa Admin. Code r. 21-36.8(196)
 - KS Kan. Stat. Ann. § 2-2509

- LA 7 La. Admin. Code Pt V, 929
- MN Minn. R. 1520.1900
- OK Okla. Stat. Ann. tit. 2, § 10-72
- OR Or. Admin. R. 603-025-0080
- SC S.C. Code Ann. § 39-39-140
- WV W. Va. Code R. 61-7A-6
- WI Wis. Admin. Code ATP § 88.34

■ Licensing and Labeling Requirements

- These laws require that specific information must appear on cartons of eggs prior to sale such as the license number of the manufacturer or distributor.
 - Laws Potentially Impacted:

- TX 4 TAC § 15.8
4 TAC § 15.2

■ Housing Requirements for Egg Laying Hens

- These laws prohibit the sale of eggs produced by egg-laying hens housed in certain types of confinement systems.
 - Laws Potentially Impacted:

- CA West's Ann.Cal.Health & Safety Code § 25996
- MA M.G.L.A. 129 App. § 1-3

- Fish

- Labeling

- These laws impose labeling requirements on fish products offered for sale within the state, including some related to the sale of genetically modified fish products.
 - Laws Potentially Impacted:

- AK AS § 17.20.048
AS § 17.20.040

- Date Labels

- These regulations impose date labeling requirements on fish products sold to consumers.
 - Laws Potentially Impacted:

- OR Or. Admin. R. 603-025-0080

- Sourcing and Trafficking

- These laws relate to the sourcing of fish offered for sale within the state.
 - Laws Potentially Impacted:

- AK AS § 16.10.760
AS § 16.05.680

- Hatchery Sourcing

- These laws relate to the sourcing of fish eggs by fish hatcheries within the state.
 - Laws Potentially Impacted:

- AK AS § 16.10.420

- Shellfish

- Date Labels

- These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.

- Laws Potentially Impacted:

- AK Alaska Admin. Code tit. 18, § 31.200
 - AR Code Ark. R. 007.04.8-3-2
 - CA Cal. Health & Safety Code § 114039
 - CO 6 Colo. Code Regs. § 1010-2:3-201
 - DE 16 Del. Admin. Code 4458-3-202
16 Del. Admin. Code 4000-FOOD-1-101.10
 - FL Fla. Admin. Code Ann. r. 5L-1.007
 - GA Ga. Comp. R. & Regs. 40-7-1-.02
 - HI Haw. Code R. 11-50-31
 - IN 410 Ind. Admin. Code 7-24-156
 - KY 902 Ky. Admin. Regs. 45:020
 - ME Code Me. R. tit. 01-001 Ch. 331, § 3-2
 - MN Minn. R. 4626.0200
 - MS Code Miss. R. 22-1-12:11
 - NJ N.J. Admin. Code § 8:24-3.2
 - NY N.Y. Comp. Codes R. & Regs. tit. 6, §

- NC 15A N.C. Admin. Code 18A.0614
- OH Ohio Admin. Code 901:3-8-03
- OK Okla. Admin. Code 310:257-5-15
- RI 216 R.I. Code R. 50-10-6.4
- SC S.C. Code Ann. Regs. 61-47
- TN Tenn. Comp. R. & Regs. 0080-04-09-.03
- TX 25 Tex. Admin. Code § 241.66
- VT 12-5 Vt. Code R. § 30
- VA 2 Va. Admin. Code 5-585-400
- WA Wash. Admin. Code 246-215-03265
- WI Wis. Admin. Code ATP § 70.21
- WY Wyo. Admin. Code § AGR FSF Ch. 3 s
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■ Sourcing Requirements

- These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 007.04.8-3-2
- DE 16 Del. Admin. Code 4000-3-201.15

16 Del. Admin. Code 4458-3-201

- GA Ga. Comp. R. & Regs. 511-6-1-.04
- HI Haw. Admin. Rules (HAR) § 11-50-31
- IN 410 Ind. Admin. Code 7-24-155
- ME 10-144 CMR Ch. 200, Ch. 3, § 3-2
01-001 CMR Ch. 331, § 3-2
- NM N.M. Admin. Code 7.6.2
- NV Nev. Admin. Code 446.118
- OH Ohio Admin. Code 3717-1-03.1
- OK Okla. Admin. Code 310:257-5-6
- RI R.I. Admin. Code 31-3-11:3-2
- SC S.C. Code of Regulations R. 61-25
- TN Tenn. Comp. R. & Regs. 0080-04-09-.03
Tenn. Comp. R. & Regs. 1200-23-01-.03
- VA 2 Va. Admin. Code 5-585-310
12 Va. Admin. Code 5-421-310
- VT Vt. Admin. Code 12-5-30:5-204
- WA Wash. Admin. Code 246-215-03220
- WI Wis. Adm. Code Ch. Atcp 75, App.
- WY WY Rules and Regulations AGR FSF Ch. 3 s 10

- Lobsters

- Sale of Dead Lobsters
 - These laws prohibit the sale of dead lobsters within the state, including both raw lobsters and those that died prior to cooking. They are

intended to prevent human exposure to toxicity emitted by dead lobsters.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 77G

- Sale or Possession of Egg-Bearing Lobsters

- These laws prohibit the possession or sale of a female lobster whose eggs have been removed other than by natural causes. The law is intended to protect lobster populations and prohibit poaching.

- Laws Potentially Impacted:

- MA M.G.L.A. 130 § 41A

- Seafood Cocktail

- Labeling

- These laws regulate what products may be labeled as a “Sea Food Cocktail” and what other information such a label must include. They also include requirements related to the pH levels of the sauce.

- Laws Potentially Impacted:

- CA 17 CCR § 15825

- Fresh Produce Generally

- Shipment Standards

- These laws impose requirements on the transport of produce into and within the state. Some include labeling or packaging requirements to ensure transparency.

- Laws Potentially Impacted:

- LA La. Admin Code. tit. 7, Pt V, §1131
La. Admin Code. tit. 7, Pt V, §1129

- Unprocessed Produce

- These laws require producers to obtain a license in order to offer for sale unprocessed produce within the state.
 - Laws Potentially Impacted:

- PA 3 P.S. § 41c

- Canned Peaches

- Allowable Levels of Insects

- These regulations set maximum allowable amounts of fruit that can be “insect infested” if offered for sale within the state. They are intended to protect quality as well as consumer health and safety.
 - Laws Potentially Impacted:

- CA 17 CCR § 16201
17 CCR § 16200

- Citrus

- Quality and Safety Standards

- Maturity and Quality Standards

- These laws impose restrictions on the types of citrus that may be offered for sale in the state to ensure that it is fit for consumption and adheres to certain quality standards. Some require that fruit not be damaged or degraded in particular ways. Others require that it be mature and ripe prior to sale or ensure that it comes from a licensed manufacturer.
 - Laws Potentially Impacted:

- FL West's F.S.A. § 601.46
West's F.S.A. § 601.91
West's F.S.A. § 601.55
West's F.S.A. § 601.49

- GA Ga. Comp. R. & Regs. 40-7-13-.01

- LA La. Admin Code. tit. 7, Pt V, § 1115

- TX 4 TAC § 21.21

- Containing Arsenic

- These laws prohibit the sale of citrus fruits containing arsenic or arsenic compounds in order to protect the health and safety of consumers.
 - Laws Potentially Impacted:

- FL West's F.S.A. § 601.93

- Standards for Movement

- These laws impose standards under which citrus products may be imported into the state. They are intended to ensure citrus shipments are healthy and reduce the spread of disease.
 - Laws Potentially Impacted:

- CA 3 CCR § 3662

- Embargo

- These laws prohibit the movement of citrus into the state. They are intended to prohibit products that may jeopardize or degrade local production.
 - Laws Potentially Impacted:

- FL F.S.A. ss. 581.182

- Tomato Juice

- Mold Allowances

- These regulations set maximum allowable rates of mold that can occur in tomato juice sold within the state. They are intended to protect quality as well as consumer health and safety.
 - Laws Potentially Impacted:

- CA 17 CCR § 15580

- Catsup (“Ketchup”), Tomato Paste, and Tomato Puree

- Mold Allowances

- These regulations set maximum allowable rates of mold that can be present in ketchup, tomato paste and tomato puree offered for sale within the state. They are intended to protect quality as well as consumer health and safety.
 - Laws Potentially Impacted:

- CA 17 CCR § 15575

- Olives

- Labeling

- These laws impose labeling requirements on olives transported or offered for sale within the state.
 - Laws Potentially Impacted:

- CA 17 CCR § 16113
17 CCR § 16110

- Cabbage

- Quality Requirements

- These laws impose requirements on cabbage offered for sale within the state to ensure products meet certain quality assurance standards.
 - Laws Potentially Impacted:

- LA La. Admin Code. tit. 7, Pt V, §1119

- Peppers

- Sweet Pepper Quality and Maturity

- These laws impose quality and maturity requirements on sweet peppers offered for sale within the state. They are intended to ensure high standards for consumers and prevent demoralization of the pepper market.
 - Laws Potentially Impacted:

- LA La. Admin Code. tit. 7, Pt V, §1125

- Shallots

- Sale Requirements

- These laws impose restrictions on how shallots must be packaged and appear when offered for sale.
 - Laws Potentially Impacted:

- LA La. Admin Code. tit. 7, Pt V, §1121

- Sweet Potatoes

- Quality Requirements

- These laws impose requirements on sweet potatoes offered for sale within the state to ensure they meet certain quality assurance standards.
 - Laws Potentially Impacted:

- LA La. Admin Code. tit. 7, Pt V, § 1117

- Mushrooms

- Sale of Wild Mushrooms

- These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
 - Laws Potentially impacted:

- CO 6 CCR 1010-2:3-306

- DE 16 Del. Admin. Code 4000-FOOD-3-201.16

- IN 410 IAC 7-24-164

- MA 105 MA ADC 590.004

- ME ME ST T. 22 § 2175

- MN Minnesota Rules, part 4626.0155
- NY 1 NYCRR 271-2.2
- SC S.C. Code of Regulations R. 61-25
- TN Tenn. Comp. R. & Regs. 0080-04-09-.03
- VT Vt. Admin. Code 12-5-30:5-204
- WA WAC 246-215-03225
- WI Wis. Adm. Code Ch. Atcp 75, App.
- WY WY Rules and Regulations AGR FSF Ch. 3
s 3

■ Wild Mushroom Processing and Licensing

- These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 007.04.8-3-2
- DE 16 Del. Admin. Code 4458-3-201
- GA Ga. Comp. R. & Regs. 40-7-1-.09
Ga. Comp. R. & Regs. 511-6-1-.04
- HI Haw. Admin. Rules (HAR) § 11-50-31
- OH OAC 3717-1-03.1
- OK Okla. Admin. Code 310:257-5-7
- NV NAC 446.129
- SC S.C. Code of Regulations R. 61-25
- TX 25 TAC § 228.62

- VA 2 VAC 5-585-320
12 VAC 5-421-320
- VT Vt. Admin. Code 12-5-30:5-204
- WY WY Rules and Regulations AGR FSF Ch. 3
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● Rice

■ Rice and Rice Seed Quality

- These laws impose requirements on rice, rice products, and rice seed offered for sale within the state to ensure products meet certain quality assurance standards. Some ensure that rice bears no signs of commercial impact and has not been intermixed with other varieties. Some of these regulations are intended to protect consumers, while others ensure that seeds used by producers meet particular standards.
 - Laws Potentially Impacted:

- AR A.C.A. § 2-15-203
- LA La. Admin Code. tit. 7, Pt XIII, § 1107
- TX 4 TAC § 10.11

● Wild Rice

■ Labeling

- These laws impose regulations on the labeling of wild rice products sold within the state in order to allow consumers to differentiate between cultivated and hand-harvested, paddy-grown varieties. They are intended to increase transparency and protect consumer interests.
 - Laws Potentially Impacted:

- MN MN ST § 30.49
- WI WI ST 97.57

- Walnuts and Hazelnuts

- Labeling

- These laws impose labeling requirements on unshelled nuts offered for sale within the state.
 - Laws Potentially Impacted:

- OR O.R.S. § 632.590

- Honey

- Labeling of Imitation Honey and Honey Mixtures

- The following laws regulate the label design and content of honey or imitation honey products. They are intended to increase transparency and prevent consumers from being misled.
 - Laws Potentially Impacted:

- TX V.T.C.A., Agriculture Code § 131.083
V.T.C.A., Agriculture Code § 131.084
V.T.C.A., Agriculture Code § 131.082
V.T.C.A., Agriculture Code § 131.081

- Honey Transportation

- These laws regulate the manner in which honey can be transported through or into the state. They are intended to facilitate inspection and prevent the escape of bees traveling with the comb.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-4-1-.04

- LA La. Admin Code. tit. 7, Pt XV, § 505

- TN T. C. A. § 44-15-120

- Prohibition on Import of Honey infected with American Foulbrood

- This law is intended to ensure that honey sold within or transported through the state is not infected by American Foulbrood in order to ensure the quality and the safety of the honey as well as to prevent the spread of Foulbrood to local bee colonies.

- Laws Potentially Impacted:

- SC S.C. Code of Regulations R. 27-5

- Ginseng

- Import Certification Requirements

- These laws require that ginseng imported from out of state be accompanied by documentation from the state where it was harvested. These laws are intended to prevent trafficking in illegally obtained or poached wild ginseng.

- Laws Potentially Impacted:

- ID IDAPA 02.06.40.250

- MI MI ST 290.777

- OH OH ST § 1533.882

- OR OAR 603-060-0040

- TN TN ST § 70-8-204

- WI WI ST 94.50
WI ST 29.611

- WV WV ST § 19-1A-3a

- Baking Powder

- Labeling

- These laws impose labeling requirements on manufacturers of baking soda who wish to offer their products for sale within the state.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 11

- Maple Syrup

- Grading and Labeling

- These laws impose regulations on the labeling of maple syrup such as the name and address of the packager, the type of syrup, as well as other quality standards.

- Laws Potentially Impacted:

- ME Me. Rev. Stat. tit. 7, § 893

- MA M.G.L.A. 128 § 36C

- NH N.H. Rev. Stat. § 429:15

- NY N.Y. Agric. & Mkts. Law § 160-u

- OH Ohio Rev. Code § 3715.25

- VT 6 V.S.A. § 490

- Oleomargarine (“Margarine”)

- Labeling

- Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.

- Laws Potentially Impacted:

- AR Ala. Admin. Code r. 80-13-1-.12
 Ala. Admin. Code r. 80-13-4-.03

- CA Cal. Food & Agric. Code § 39382

- CO 8 CCR 1202-1:12

- GA Ga. Comp. R. & Regs. 40-10-1-.19
 Ga. Comp. R. & Regs. 40-15-3-.11
 Ga. Comp. R. & Regs. 40-15-4-.01

- ID IDAPA 02.02.14.250

- MD COMAR 15.03.03.04

- MA 202 CMR 3.12

- MS Miss. Admin. Code 2-1-4:09

- NJ N.J.A.C. 13:47K-1.2
 N.J.A.C. 13:47K-4.11

- NM N.M. Admin. Code 21.16.4

- NY 1 NYCRR 221.9
 1 NYCRR 221.13
 1 NYCRR 317.2
 1 NYCRR 317.8
 1 NYCRR 317.8

- OH OAC Ch. 901:6-7
 OAC 901:6-3-11

- OR OAC Ch. 901:6-7

- PA 70 Pa. Code § 27.20
 7 Pa. Code § 1.328

- VT Vt. Admin. Code 2-4-100:317.2
 Vt. Admin. Code 2-4-100:317.8

- WI Wis. Adm. Code § ATP 90.08

- Lard

- Purity Requirements and Labeling

- These laws impose purity requirements on manufacturers of lard who wish to offer their products for sale within the state. They prohibit the use of any ingredient other than swine fat for products labeled as “pure lard,” and impose additional requirements for compound lard.
 - Laws Potentially Impacted:

- MA M.G.L.A. 94 § 6

- Vinegar

- Packaging and Labeling

- These laws impose requirements for packaging and labeling of vinegar offered for sale within the state.
 - Laws Potentially Impacted:

- MA M.G.L.A. 94 § 165

- Asian Rice Noodles and Rice Cakes

- Labeling

- These laws impose labeling requirements on Asian rice-based noodles offered for sale within the state.
 - Laws Potentially Impacted:

- CA West's Ann.Cal.Health & Safety Code § 111223

- Frozen Dessert

- Sanitation

- These laws impose sanitation requirements on manufacturers of frozen desserts who wish to offer their products for sale within the state and prohibit the sale of products produced under certain conditions.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 65N

- Candy

- Lead Restrictions

- These laws prohibit the distribution of candy or candy in wrappers that contains an amount of lead in excess of stipulated levels.

- Laws Potentially Impacted:

- CA Cal. Health & Safety § 110552

- IL IL ST CH 410 § 45/4

- Prepackaged Foods

- Date Labels

- These regulations impose date labeling requirements on foods or drinks that have been pre-packaged prior to sale.

- Laws Potentially Impacted:

- AL Ala. Code § 20-1-27

- MA 105 Mass. Code Regs. 500.006

- MI Mich. Comp. Laws Ann. § 289.8107

- MN Minn. R. 1550.1060

- OH Ohio Rev. Code Ann. § 3715.171

- OR Or. Rev. Stat. Ann. § 616.815
Or. Rev. Stat. Ann. § 616.825
Or. Rev. Stat. Ann. § 616.830
Or. Admin. R. 603-025-0080

- WA Wash. Rev. Code Ann. § 69.04.905
Wash. Admin. Code 16-142-150

- Sandwiches

- These regulations impose date labeling requirements on sandwiches prior to sale.

- Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-7-1-.13

- NH NH ADC AGR 1412.01
NH ADC AGR 1412.04

- OR Or. Admin. R. 603-025-0080

- Bakery Products

- These regulations impose date labeling requirements on bakery products prior to sale.

- Laws Potentially Impacted:

- OR Or. Admin. R. 603-025-0080

- Puddings

- These regulations impose date labeling requirements on pudding products prior to sale.

- Laws Potentially Impacted:

- OR Or. Admin. R. 603-025-0080

- Potentially Hazardous Foods

- Date Labels

- These laws require date labels on potentially hazardous foods offered for sale. Potentially hazardous foods are defined as goods with the potential for rapid bacterial growth. Often, they include foods that have been heat-treated and require temperature controls.

- Laws Potentially Impacted:

- AL Ala. Code § 20-1-27
 Ala. Admin. Code 80-1-22-.36
- GA Ga. Comp. R. & Regs. 40-7-1-.02
- NV Nev. Admin. Code 446.181
 Nev. Admin. Code 446.637

- Baby Food

- Date Labels

- These laws require baby food containers be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - Laws Potentially Impacted:

- AL Ala. Code § 20-1-27

- Sale of Expired

- These laws prohibit the sale of baby food past the “sell-by” or expiration date designated on the product.
 - Laws Potentially Impacted:

- AL Ala. Code § 20-1-27

- CA West's Ann. Cal. Health & Safety Code § 114094.5

- NJ N.J.S.A. 56:8-2.27

- OH R.C. § 3715.521

- Packaging with BPA

- These laws prohibit the sale of baby food in jars containing the additive bisphenol A (“BPA”) due to concerns about the chemical’s safety and adverse health impacts it may have on young children.
 - Laws Potentially Impacted:

- CT Conn. Gen. Stat. § 21a-12c
Conn. Gen. Stat. § 21a-12c
- IL 410 ILCS 44/10
- ME 06-096 CMR Ch. 882, § 5
- MN MN ST § 325F.174
- NV NV ST 597.990
McKinney's ECL § 37-0505
- VT VT ST T. 18 § 1512

● Infant Formula

■ Sale of Expired

- These laws prohibit the sale of infant formula past its expiration date. They are intended to prevent babies from ingesting formula that is of inferior quality or nutritional value, as well as that which may pose health risks.
 - Laws Potentially Impacted:

- AL Ala. Code § 20-1-27
- CA West's Ann.Cal.Health & Safety Code § 114094.5
- GA Ga. Comp. R. & Regs. 40-7-1-.02
Ga. Comp. R. & Regs. 40-7-1-.13
- NJ N.J.S.A. 56:8-2.27
- OH R.C. § 3715.521

- Cottage Food Production

- Labeling, Production, and Restriction on Sale

- These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.

- Laws Potentially Impacted:

- AL AL ST § 22-20-5.1
 - CA CA HLTH & S § 114365
 - FL FL ST § 500.80
 - GA Ga. Comp. R. & Regs. 40-7-19-.05
Ga. Comp. R. & Regs. 40-7-19-.09
 - ID IDAPA 16.02.19.110
 - IL IL ST CH 410 § 625/4
 - MD MD HEALTH GEN § 21-330.1
 - MI MI ST 289.4102
 - MO MO ST 196.298
 - MS Miss. Code Ann. §75-29-951
 - MT MCA 50-50-116
Mont.Admin.R. 37.110.510
Mont.Admin.R. 37.110.508
Mont.Admin.R. 37.110.503
 - ND NDCC, 23-09.5-02
NDCC, 23-09.5-0
 - NV N.R.S. 446.866
 - OH R.C. § 3715.025
OAC 901:3-20-04

- TX V.T.C.A., Health & Safety Code § 437.0195
V.T.C.A., Health & Safety Code § 437.0193
- UT U.C.A. 1953 § 4-5-501
- WA West's RCWA 69.22.040
WAC 16-149-080
WAC 16-149-120
WAC 16-149-040
WAC 16-149-110

II. Alcohol

- Beer, Wine, and Liquor

- Licensing

- These laws impose licensing requirements on producers of alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state's ability to enforce such regulations even if they would otherwise preempted by PICA.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. 20-X-8-.02
 - KY KRS § 244.440

- Labeling

- These laws impose labeling requirements on alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state's ability to enforce such regulations even if they would otherwise be preempted by PICA.
 - Laws Potentially Impacted:

- CA Cal. Bus. & Prof. Code § 25236

- CO 1 CCR 203-2:47-905
- KY 804 KAR 1:030
- MA 204 CMR 2.06
- MT Mont.Admin.R. 42.13.201
Mont.Admin.R. 42.13.204
Mont.Admin.R. 42.13.203
- WA WAC 314-24-003

■ Import

- These laws impose requirements governing the importation of alcoholic products into the state. However, it should be noted that the Twenty-First Amendment may protect a state’s ability to enforce such regulations even if they would otherwise be preempted by PICA.
 - Laws Potentially Impacted:
 - AL Ala. Admin. Code r. 20-X-8-.04
Ala. Admin. Code r. 20-X-8-.05
 - MO 11 Mo. Code of State Regulations
70-2.060
 - MT Mont.Admin.R. 42.13.401

■ Content Requirements

- These laws impose content requirements on alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state’s ability to enforce such regulations even if they would otherwise be preempted by PICA.
 - Laws Potentially Impacted:
 - MA 204 CMR 2.19

- SD SDCL § 35-12-4 as modified by 2018 South Dakota Laws Ch. 222 (HB 1067)

- WA WAC 314-24-050

- Recordkeeping

- These laws impose recordkeeping requirements on producers of alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state’s ability to enforce such regulations even if they would otherwise be preempted by PICA.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 20-X-8-.01

- KY KRS § 244.150

- MT Mont.Admin.R. 42.13.404

III. Drugs

- Recreational

- Salvia

- *Salvia divinorum* or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.

- Laws Potentially Impacted:

- AL AL ST § 13A-12-214.1

- AR Ark. Admin. Code 007.07.2

- CA CA PENAL § 379

- CO CO ST § 18-18-406.2
- CT Regs. Conn. State Agencies § 21a-243-7
- DE DE ST TI 16 § 4714
- FL FL ST § 893.03
- GA GA ST § 16-13-72
- HI HI ST § 329-14
- IL IL ST CH 720 § 570/204
- IN IN ST 35-48-4-11
- IA IA ST § 124.204
- KS KS ST 65-4105
- KY KY ST § 218A.010
- LA La. Rev. Stat. Ann. § 40:989.2
- ME 17 M.R.S.A. § 2012
- MD MD Code, Criminal Law, § 10-132
- MI MI ST 333.7212
- MN MN ST § 152.027
- MS MS ST § 41-29-113
- MO 19 Mo. Code of State Regulations 30-1.002
- MT MCA 50-32-222
- NE NE ST § 28-405
- NM N.M. Admin. Code 16.19.20
- NC NC ST § 14-401.23

- ND ND ST 19-03.1-05
- OH OH ST § 3719.41
- OK OK ST T. 63 § 2-101
- RI RI ST § 21-28-4.01
- SD SD ST § 22-42-22
- TN TN ST § 39-17-438
- TX TX HEALTH & S § 481.104
- VT Vt. Admin. Code 12-5-23:7.0
- WV WV ST § 60A-4-413

■ Kratom

- *Mitragyna speciosa*, commonly known as “kratom,” is a tropical evergreen tree whose leaves contain opioid properties that make it popular in the U.S. as a recreational drug. These laws criminalize possession or otherwise restrict import or use of kratom so as to function as a ban or partial ban.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. Ch. 420-7-2, App
- AR Ark. Admin. Code 007.07.2
- IL 720 ILCS 642/5
- IN IC 35-31.5-2-321
- VT Vt. Admin. Code 12-5-23:7.0
- WI W.S.A. 961.14

- Tobacco

- Minimum Age Requirements

- These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.

- Laws Potentially Impacted:

- AL AL ST § 28-11-15
- AK AK ST § 11.76.100
- CA CA BUS & PROF § 22964
- HI HI ST § 712-1258
- IL 2017 IL S.B. 2332 (NS) (pending)
- ME 22 M.R.S.A. § 1555-B
- NJ NJ ST 2A:170-51.1
NJ ST 2C:33-13.1
- OR O.R.S. § 167.755
O.R.S. § 167.76
O.R.S. § 323.703
O.R.S. § 323.709
- UT UT ST § 76-10-105
UT ST § 76-10-104

- Fire Safety Standards

- These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.

○ Laws Potentially Impacted:

- AL Ala. Code § 8-17-272
Ala. Code § 8-17-273
Ala. Code § 8-17-274
- AL Alaska Stat. Ann. § 18.74
- AZ Ariz. Rev. Stat. Ann. § 37-1401
Ariz. Rev. Stat. Ann. § 37-1402
Ariz. Rev. Stat. Ann. § 37-1403
Ariz. Rev. Stat. Ann. § 37-1404
- AR Ark. Code Ann. § 20-27-2104
Ark. Code Ann. § 20-27-2105
Ark. Code Ann. § 20-27-2106
- CA Cal. Health & Safety Code § 14951
Cal. Health & Safety Code § 14952
Cal. Health & Safety Code § 14953
Cal. Health & Safety Code § 14954
- CT Conn. Gen. Stat. Ann. § 29-418
- DE Del. Code Ann. tit. 16, § 7117
Del. Code Ann. tit. 16, § 7118
Del. Code Ann. tit. 16, § 7119
- FL Fla. Stat. Ann. § 633.142
- GA Ga. Code Ann. § 25-14-3
Ga. Code Ann. § 25-14-4
Ga. Code Ann. § 25-14-5
- HI Haw. Rev. Stat. Ann. § 132C-1
Haw. Rev. Stat. Ann. § 132C-2
Haw. Rev. Stat. Ann. § 132C-3
Haw. Rev. Stat. Ann. § 132C-4

- ID Idaho Code Ann. § 39-8901
Idaho Code Ann. § 39-8902
Idaho Code Ann. § 39-8903
Idaho Code Ann. § 39-8904
Idaho Code Ann. § 39-8905
- IL 425 Ill. Comp. Stat. Ann. 8/5
425 Ill. Comp. Stat. Ann. 8/10
425 Ill. Comp. Stat. Ann. 8/15
425 Ill. Comp. Stat. Ann. 8/20
425 Ill. Comp. Stat. Ann. 8/30
425 Ill. Comp. Stat. Ann. 8/35
425 Ill. Comp. Stat. Ann. 8/40
- IN Ind. Code Ann. § 22-14-7-23
Ind. Code Ann. § 22-14-7-24
Ind. Code Ann. § 22-14-7-25
Ind. Code Ann. § 22-14-7-26
- IA Iowa Code Ann. § 101B.4
Iowa Code Ann. § 101B.5
Iowa Code Ann. § 101B.6
Iowa Code Ann. § 101B.7
- KS Kan. Stat. Ann. § 31-603
Kan. Stat. Ann. § 31-604
Kan. Stat. Ann. § 31-605
Kan. Stat. Ann. § 31-606
- KY Ky. Rev. Stat. Ann. § 227.772
Ky. Rev. Stat. Ann. § 227.773
Ky. Rev. Stat. Ann. § 227.774
Ky. Rev. Stat. Ann. § 227.775
Ky. Rev. Stat. Ann. § 227.776
- LA La. Stat. Ann. § 40:1628
La. Stat. Ann. § 40:1629

La. Stat. Ann. § 40:1630

- ME Me. Rev. Stat. tit. 22, § 1555-E
- MD Md. Code Ann., Bus. Reg. § 16-603
Md. Code Ann., Bus. Reg. § 16-604
- MA Mass. Gen. Laws Ann. ch. 64C, § 2B – § 2D
- MI Mich. Comp. Laws Ann. § 29.495
Mich. Comp. Laws Ann. § 29.497
Mich. Comp. Laws Ann. § 29.499
Mich. Comp. Laws Ann. § 29.501
- MN Minn. Stat. Ann. § 299F.851
Minn. Stat. Ann. § 299F.852
Minn. Stat. Ann. § 299F.853
- MI Miss. Code. Ann. § 45-12-5
Miss. Code. Ann. § 45-12-7
Miss. Code. Ann. § 45-12-9
- MO Mo. Ann. Stat. § 320.353
Mo. Ann. Stat. § 320.356
Mo. Ann. Stat. § 320.359
- MT Mont. Code Ann. § 50-65-102
Mont. Code Ann. § 50-65-104
- NE Neb. Rev. Stat. Ann. § 69-503
Neb. Rev. Stat. Ann. § 69-504
Neb. Rev. Stat. Ann. § 69-505
- NA Nev. Rev. Stat. Ann. § 477.192
Nev. Rev. Stat. Ann. § 477.194
Nev. Rev. Stat. Ann. § 477.198
- NH N.H. Rev. Stat. Ann. § 339-F:2
N.H. Rev. Stat. Ann. § 339-F:3

N.H. Rev. Stat. Ann. § 339-F:4
N.H. Rev. Stat. Ann. § 339-F:5
N.H. Rev. Stat. Ann. § 339-F:6
N.H. Rev. Stat. Ann. § 339-F:7
N.H. Rev. Stat. Ann. § 339-F:8

- NJ N.J. Stat. Ann. § 54:40A-54
N.J. Stat. Ann. § 54:40A-55
N.J. Stat. Ann. § 54:40A-56
N.J. Stat. Ann. § 54:40A-57
N.J. Stat. Ann. § 54:40A-58
N.J. Stat. Ann. § 54:40A-59
- NM N.M. Stat. Ann. § 57-2B-3
N.M. Stat. Ann. § 57-2B-4
N.M. Stat. Ann. § 57-2B-5
- NY N.Y. Exec. Law § 156-c
- NC N.C. Gen. Stat. Ann. § 58-92-15
N.C. Gen. Stat. Ann. § 58-92-20
N.C. Gen. Stat. Ann. § 58-92-25
- ND N.D. Cent. Code Ann. § 18-13-02
N.D. Cent. Code Ann. § 18-13-03
N.D. Cent. Code Ann. § 18-13-04
- OH Ohio Rev. Code Ann. § 3739.02
Ohio Rev. Code Ann. § 3739.03
Ohio Rev. Code Ann. § 3739.04
~~Ohio Rev. Code Ann. § 3739.05 -~~
- OK Okla. Stat. Ann. tit. 74, § 326.3
Okla. Stat. Ann. tit. 74, § 326.4
Okla. Stat. Ann. tit. 74, § 326.5
- OR Or. Rev. Stat. Ann. § 476.780

Or. Rev. Stat. Ann. § 476.785

- PA Pennsylvania: 35 Pa. Stat. Ann. § 1254.4
Pennsylvania: 35 Pa. Stat. Ann. § 1254.5
Pennsylvania: 35 Pa. Stat. Ann. § 1254.6
- RI 23 R.I. Gen. Laws Ann. § 23-20.11-4
23 R.I. Gen. Laws Ann. § 23-20.11-5
23 R.I. Gen. Laws Ann. § 23-20.11-6
- SC S.C. Code Ann. § 23-51-30
S.C. Code Ann. § 23-51-40
S.C. Code Ann. § 23-51-50
- SD S.D. Codified Laws § 34-49-2
S.D. Codified Laws § 34-49-3
S.D. Codified Laws § 34-49-4
S.D. Codified Laws § 34-49-5
S.D. Codified Laws § 34-49-6
S.D. Codified Laws § 34-49-7
S.D. Codified Laws § 34-49-8
S.D. Codified Laws § 34-49-9
- TN Tenn. Code Ann. § 68-102-503
Tenn. Code Ann. § 68-102-504
Tenn. Code Ann. § 68-102-505
- TX Tex. Health & Safety Code Ann. § 796.002
Tex. Health & Safety Code Ann. § 796.003
Tex. Health & Safety Code Ann. § 796.004
Tex. Health & Safety Code Ann. § 796.005
Tex. Health & Safety Code Ann. § 796.006
- UT Utah Code Ann. § 53-7-403
Utah Code Ann. § 53-7-404
Utah Code Ann. § 53-7-405
- VT Vt. Stat. Ann. tit. 20, § 2757

- VA Va. Code Ann. § 9.1-210
Va. Code Ann. § 9.1-211
Va. Code Ann. § 9.1-212
Va. Code Ann. § 9.1-213
- WA Wash. Rev. Code § 19.305.020
Wash. Rev. Code § 19.305.030
Wash. Rev. Code § 19.305.040
Wash. Rev. Code § 19.305.050
Wash. Rev. Code § 19.305.060
Wash. Rev. Code § 19.305.070
- WV W. Va. Code Ann. § 47-25-3
W. Va. Code Ann. § 47-25-4
W. Va. Code Ann. § 47-25-5
- WI Wis. Stat. Ann. § 167.35
- WY Wyo. Stat. Ann. § 35-9-803
Wyo. Stat. Ann. § 35-9-804
Wyo. Stat. Ann. § 35-9-805

IV. Fishing

- Ocean Fishing
 - Commercial and Sport Fishing
 - Beyond State Waters
 - These laws not only regulate fishing activities within a state's territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
 - Laws Potential Impacted:
 - AK Alaska Stat. § 16.10.760

Alaska Stat. § 16.05.735
 Alaska Admin. Code tit. 5, § 35.010
 Alaska Admin. Code tit. 5, § 34.010
 Alaska Admin. Code tit. 5, § 31.010
 Alaska Admin. Code tit. 5, § 32.010
 Alaska Admin. Code tit. 5, § 27.010
 Alaska Admin. Code tit. 5, § 38.010
 Alaska Admin. Code tit. 5 § 28.010
 Alaska Admin. Code tit. 5 § 29.001
 Alaska Admin. Code tit. 5 § 64.095
 Alaska Admin. Code tit. 5 § 58.095
 Alaska Admin. Code tit. 5 § 67.095
 Alaska Admin. Code tit. 5 § 55.095
 Alaska Admin. Code tit. 5 § 47.095
 Alaska Admin. Code tit. 5 § 65.095
 Alaska Admin. Code tit. 5 § 75.001

- CA Cal. Fish & Game Code § 7850
 Cal. Pub. Res. Code § 36001
 2 CCR § 2299.03
- FL Fla. Admin. Code Ann. r. 68B-42.004
 Fla. Admin. Code Ann. r. 68B-13.001
 Fla. Admin. Code Ann. r. 68B-35.003
- MA 322 Mass. Code Regs. 7.01
- ME Me. Rev. Stat. tit. 12, § 6421
- OR Or. Admin. R. 635-005-0235
 Or. Rev. Stat. Ann. § 506.755
- TX Tex. Parks & Wild. Code Ann. § 47.019
 31 Tex. Admin. Code § 57.970
- WA Wash. Rev. Code Ann. § 77.12.047
 Wash. Rev. Code Ann. § 77.70.370

■ License or Permit Requirements

- These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.

- Laws Potential Impacted:

- AK Alaska Stat. § 16.43.140
Alaska Stat. § 16.05.675
Alaska Admin. Code tit. 5, 39.780
Alaska Admin. Code tit. 5, § 38.020
Alaska Admin. Code tit. 5, § 29.115
Alaska Admin. Code tit. 5, § 29.125
Alaska Admin. Code tit. 5, § 31.055.
Alaska Admin. Code tit. 5, § 35.055
Alaska Admin. Code tit. 5, § 38.062
Alaska Admin. Code tit. 5, § 29.145
Alaska Admin. Code tit. 5, § 35.057
- CA Cal. Fish & Game Code § 7850
Cal. Code Regs. Tit. 14, § 174
Cal. Code Regs. Tit. 14, § 182
- CT Conn. Gen. Stat. Ann. § 26-142a
Conn. Gen. Stat. Ann. § 26-157a
- DE 7 Del.C. § 928
- FL Fla. Admin. Code Ann. r. 68B-2.003
Fla. Admin. Code r. 68B-13.006
- GA Ga. Comp. R. & Regs. 27-4-110
- NC N.C.G.S.A. § 113-169.5
- NH N.H. Rev. Stat. Ann. § 211:49-d

- ME Me. Rev. Stat. tit. 12, § 6421
- MA Mass. Gen. Laws Ann. ch. 130, § 37
- NY N.Y. Comp. Codes R. & Regs. tit. 6, § 40.1
- OR Or. Admin. R. 635-006-0140
Or. Admin. R. 635-006-0140
Or. Admin. R. 635-004-0245
Or. Rev. Stat. Ann. § 508.030.
Or. Rev. Stat. Ann. § 508.025
Or. Rev. Stat. Ann. § 488.762
- RI R.I. Admin. Code 25-8-4:1.6
- SC S.C. Code Ann. § 50-5-310
- TX 31 Tex. Admin. Code § 57.976
31 Tex. Admin. Code § 58.203
- VA VA Code Ann. § 28.2-228.1
- WA Wash. Admin. Code 220-360-300
Wash. Admin. Code 220-351-010
Wash. Rev. Code Ann. § 77.65.010
- Equipment Requirements, Harvest Techniques, and Prohibitions
 - These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
 - Laws Potential Impacted:
 - AK Alaska Admin. Code tit. 5, § 38.020
Alaska Admin. Code tit. 5, § 31.051
Alaska Admin. Code tit. 5, § 35.053

Alaska Admin. Code tit. 5, § 38.050 s
Alaska Admin. Code tit. 5, § 38.051
Alaska Admin. Code tit. 5, § 38.052
Alaska Admin. Code tit. 5, § 38.054
Alaska Admin. Code tit. 5, § 38.060
Alaska Admin. Code tit. 5, § 31.050
Alaska Admin. Code tit. 5, § 31.052
Alaska Admin. Code tit. 5, § 31.053
Alaska Admin. Code tit. 5, § 29.120
Alaska Admin. Code tit. 5, § 35.050
Alaska Admin. Code tit. 5, § 35.051
Alaska Admin. Code tit. 5, § 35.052

- CA Cal. Fish & Game Code § 8382
Cal. Fish & Game Code § 8400
Cal. Fish & Game Code § 8496
Cal. Fish & Game Code § 8561
Cal. Fish & Game Code § 8574
Cal. Fish & Game Code § 8594
Cal. Fish & Game Code § 8601 et seq.
Cal. Fish & Game Code § 9000 et seq.
Cal. Code Regs. Tit. 14, § 174
Cal. Code Regs. Tit. 14, § 182

- CT Conn. Gen. Stat. Ann. § 26-142a(d)
Conn. Gen. Stat. Ann. § 26-142a(g)
Conn. Gen. Stat. Ann. § 26-159a
Conn. Gen. Stat. Ann. § 26-157a

- FL Fla. Admin. Code Ann. r. 68B-42.007
Fla. Admin. Code Ann. r. 68B-4.0087
Fla. Admin. Code Ann. r. 68B-31.004
Fla. Admin. Code r. 68B-13.008
Fla. Admin. Code r. 68B-13.009
Fla. Admin. Code r. 68B-13.010
Fla. Admin. Code r. 68B-13.011
Fla. Admin. Code r. 68B-35.004
Fla. Admin. Code r. 68B-35.005
Fla. Admin. Code r. 68B-39.0047

- LA La. Stat. Ann. § 56:320
 La. Stat. Ann. § 56:321
 La. Stat. Ann. § 56:322
 La. Stat. Ann. § 56:323
 La. Stat. Ann. § 56:324
 La. Stat. Ann. § 56:404

- ME Me. Rev. Stat. tit. 12, § 6431-A
 Me. Rev. Stat. tit. 12, § 6431-B
 Me. Rev. Stat. tit. 12, § 6431-E
 Me. Rev. Stat. tit. 12, § 6431-F
 Me. Rev. Stat. tit. 12, § 6432
 Me. Rev. Stat. tit. 12, § 6432-a
 Me. Rev. Stat. tit. 12, § 6433
 Me. Rev. Stat. tit. 12, § 6433-A
 Me. Rev. Stat. tit. 12, § 6433-B
 Me. Rev. Stat. tit. 12, § 6433-C
 Me. Rev. Stat. tit. 12, § 6434
 Me. Rev. Stat. tit. 12, § 6421
 Me. Rev. Stat. tit. 12, § 6442
 Me. Rev. Stat. tit. 12, § 12651
 Me. Rev. Stat. tit. 12, § 12652
 Me. Rev. Stat. tit. 12, § 12654

- MA Mass. Gen. Laws Ann. ch. 130, § 35
 Mass. Gen. Laws Ann. ch. 130, § 37
 Mass. Gen. Laws Ann. ch. 130, § 38
 Mass. Gen. Laws Ann. ch. 130, § 38A
 Mass. Gen. Laws Ann. ch. 130, § 41
 Mass. Gen. Laws Ann. ch. 130, § 47
 Mass. Gen. Laws Ann. ch. 130, § 99
 Mass. Gen. Laws Ann. ch. 130, § 100A
 Mass. Gen. Laws Ann. ch. 130, § 100B
 Mass. Gen. Laws Ann. ch. 130, § 100C
 Mass. Gen. Laws Ann. ch. 130, § 100D
 322 Mass. Code Regs. 4.13

- MS Miss. Code. Ann. § 49-7-87

Miss. Code. Ann. § 49-15-64.3
Miss. Code. Ann. § 49-15-78
Miss. Code. Ann. § 49-15-79

- NY N.Y. Env'tl. Conserv. Law § 13-0317
N.Y. Env'tl. Conserv. Law § 13-0343
- NC N.C. Gen. Stat. Ann. § 113-184
- OR Or. Admin. R. 635-005-0275
Or. Admin. R. 635-005-0630
Or. Admin. R. 635-006-0010
Or. Rev. Stat. Ann. § 509.230
Or. Rev. Stat. Ann. § 509.365
Or. Rev. Stat. Ann. § 509.375
Or. Rev. Stat. Ann. § 509.370
- SC S.C. Code Ann. § 50-5-505
- TX 31 Tex. Admin. Code 57.973
31 Tex. Admin. Code 58.160
- WA Wash. Admin. Code 220-356-040
Wash. Admin. Code 220-356-040

■ Harvest and Size Limits

- These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
 - Laws Potential Impacted:

- AK Alaska Admin. Code tit. 5, § 29.140
Alaska Admin. Code tit. 5, § 38.075
Alaska Admin. Code tit. 5, § 38.090
Alaska Admin. Code tit. 5, § 29.070
Alaska Admin. Code tit. 5, § 35.060

Alaska Admin. Code tit. 5, § 35.065

- CA Cal. Fish & Game Code § 8375
Cal. Fish & Game Code § 8377
Cal. Fish & Game Code § 8380
Cal. Fish & Game Code § 8383.5
Cal. Fish & Game Code § 8374
Cal. Fish & Game Code § 8388
Cal. Fish & Game Code § 8388.5
Cal. Fish & Game Code § 8393
Cal. Fish & Game Code § 8210.2
Cal. Code Regs. Tit. 14, § 1.17
Cal. Code Regs. Tit. 14, § 127
Cal. Code Regs. Tit. 14, § 128
Cal. Code Regs. Tit. 14, § 126
Cal. Code Regs. Tit. 14, § 147
- CT Regs. Conn. State Agencies § 26-142a-8a
- FL Fla. Admin. Code Ann. r. 68B-42.004
Fla. Admin. Code Ann. r. 68B-42.006
Fla. Admin. Code Ann. r. 68B-14.0036
Fla. Admin. Code Ann. r. 68B-31.007
Fla. Admin. Code Ann. r. 68B-13.001
Fla. Admin. Code r. 68B-13.009
Fla. Admin. Code r. 68B-13.011
Fla. Admin. Code r. 68B-35.003
Fla. Admin. Code r. 68B-35.0035
- ME Me. Rev. Stat. tit. 12, § 6431
12 Me. Code R § 6431-F
Me. Rev. Stat. tit. 12, § 6436
Me. Rev. Stat. tit. 12, § 6440
- MA Mass. Gen. Laws Ann. ch. 130, § 39
Mass. Gen. Laws Ann. ch. 130, § 41
Mass. Gen. Laws Ann. ch. 130, § 41a
Mass. Gen. Laws Ann. ch. 130, § 44
Mass. Gen. Laws Ann. ch. 130, § 44a

Mass. Gen. Laws Ann. ch. 130, § 44b
Mass. Gen. Laws Ann. ch. 130, § 47 et seq.

- OR Or. Rev. Stat. Ann. § 509.515
- TX 31 Tex. Admin. Code § 57.992
31 Tex. Admin. Code § 57.981
Tex. Parks & Wild. Code Ann. § 66.2161
Tex. Parks & Wild. Code Ann. § 66.020
- WA Wash. Admin. Code 220-356-040

V. Wood and Lumber

- Firewood

- Import Restrictions

- These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
 - Laws Potential Impacted:

- AR Ark. Admin. Code 209.02.1-VIII
 - CT Regs. Conn. State Agencies § 22-84-5g
 - FL Fla. Admin. Code r. 5B-65.005
Fla. Admin. Code r. 5B-65.007
 - IL 8 Ill. Adm. Code 240.125
 - IN 312 Ind. Admin. Code 8-1-3
 - MA 12 M.R.S.A. § 8306
 - MN Minn. Stat. § 239.093

- NY 6 NYCRR 192.5
- OR OAR 603-052-1080
- UT U.A.C. R68-23
- VT Vt. Admin. Code 16-6-204:4
- WI Wis. Adm. Code § ATPC 21.20

● Christmas Trees

■ Import Requirements

- These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
 - Laws Potentially Impacted:

- CA 19 CCR § 1264.3
- DE 3 Del.C. § 1306
- FL Fla. Admin. Code r. 5B-65.005
- IL 505 ILCS 90/11
- HI Hawaii Rev. Stat. § 150A-5
Haw. Admin. Rules (HAR) § 4-70-36
- NC 2 N.C. Admin. Code 48A.1504
- OR O.R.S. § 571.570
- PA 3 P.S. § 257.2
3 P.S. § 257.3
- VA VA Code Ann. § 3.2-3804

VI. Home Goods and Products

- Furniture and Bedding

- Law Labels

- These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.

- Laws Potentially Impacted:

- AZ Ariz. Rev. Stat. Ann. § 36-796.02
 Ariz. Rev. Stat. Ann. § 36-796.04
 - AR Ark. Code Ann. § 20-27-2702
 Ark. Code Ann. § 20-27-2703
 Ark. Code Ann. § 20-27-205
 Ark. Code Ann. § 20-27-206
 - CA 4 CCR § 1125
 4 CCR § 1256
 - CO Colo. Rev. Stat. Ann. § 25-5-307
 - CT Conn. Gen. Stat. Ann. § 21a-232
 Conn. Gen. Stat. Ann. § 21a-233
 Regs. Conn. State Agencies § 21a-235-5
 Regs. Conn. State Agencies § 21a-235-6
 Regs. Conn. State Agencies § 21a-235-7
 Regs. Conn. State Agencies § 21a-235-14
 Regs. Conn. State Agencies § 21a-235-16
 - DE Del. Code Ann. tit. 16, § 2106
 Code Del. Regs. 16 4000 4460
 - FL Fla. Stat. Ann. § 501.145

- IL 410 Ill. Comp. Stat. Ann. 68/10
- IN 410 Ind. Admin. Code 13-1-5
- KY Ky. Rev. Stat. § 214.300
- MA 105 CMR 620.002
Mass. Ann. Laws ch. 94, § 272
- MN Minn. Stat. Ann. § 325F.31
- MO Mo. Ann. Stat. § 421.007
Mo. Ann. Stat. § 421.014
Mo. Ann. Stat. § 421.017
Mo. Ann. Stat. § 421.025
- NJ N.J. Stat. Ann. § 26:10-9
N.J. Stat. Ann. § 26:10-10
N.J. Stat. Ann. § 26:10-11
N.J. Stat. Ann. § 26:10-12
N.J. Stat. Ann. § 26:10-13
N.J. Stat. Ann. § 26:10-14
N.J. Stat. Ann. § 26:10-15
N.J. Stat. Ann. § 26:10-16
- NY N.Y. Gen. Bus. Law § 389
N.Y. Gen. Bus. Law § 389-a
- NC N.C. Gen. Stat. Ann. § 106-65.99
2 N.C. Admin. Code 61.0110
- OH Ohio Admin. Code 4101:6-1-04
Ohio Admin. Code 4101:6-1-05
Ohio Admin. Code 4101:6-1-06
Ohio Admin. Code 4101:6-1-07
Ohio Admin. Code 4101:6-1-08
Ohio Admin. Code 4101:6-1-10
Ohio Admin. Code 4101:6-1-14

- OK Okla. Admin. Code 310:215-1-4
Okla. Admin. Code 310:215-3-3
Okla. Admin. Code 310:215-7-4

- PA 35 Pa. Stat. Ann. § 978
34 Pa. Code § 47.11
34 Pa. Code § 47.21
34 Pa. Code § 47.22
34 Pa. Code § 47.23
34 Pa. Code § 47.31

- RI 23 R.I. Gen. Laws Ann. § 23-26-2
23 R.I. Gen. Laws Ann. § 23-26-7.1
23 R.I. Gen. Laws Ann. § 23-26-8
23 R.I. Gen. Laws Ann. § 23-26-9
23 R.I. Gen. Laws Ann. § 23-26-10
23 R.I. Gen. Laws Ann. § 23-26-13
23 R.I. Gen. Laws Ann. § 23-26-14
23 R.I. Gen. Laws Ann. § 23-26-15
23 R.I. Gen. Laws Ann. § 23-26-16
23 R.I. Gen. Laws Ann. § 23-26-19
23 R.I. Gen. Laws Ann. § 23-26-20

- TN Tenn. Code Ann. § 68-15-202
Tenn. Code Ann. § 68-15-203
Tenn. Code Ann. § 68-15-204
Tenn. Code Ann. § 68-15-205

- TX 25 Tex. Admin. Code § 205.3
25 Tex. Admin. Code § 205.4

- UT Utah Code Ann. § 4-10-106
Utah Code Ann. § 4-10-107
Utah Code Ann. § 4-10-109
Utah Admin. Code r. R70-101

- VT Vt. Stat. Ann. tit. 9, § 2942

- VA Va. Code Ann. § 32.1-219
Va. Code Ann. § 32.1-220
Va. Code Ann. § 32.1-221
- WV W. Va. Code Ann. § 47-1A-3
W. Va. Code Ann. § 47-1A-8
W. Va. Code Ann. § 47-1A-11
W. Va. Code Ann. § 47-1A-12
- WI Wis. Stat. Ann. § 100.2095

■ Cotton Filler Materials

- These laws regulate cotton materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 - Laws Potentially Impacted:

- IN 410 Ind. Admin. Code 13-1-3
410 Ind. Admin. Code 13-1-5
- KY Ky. Rev. Stat. § 214.300
- OH Ohio Admin. Code 4101:6-1-11
- OK Okla. Admin. Code 310:215-3-2
- PA 34 Pa. Code § 47.25
- RI 23 R.I. Gen. Laws Ann. § 23-26-3
- TX 25 Tex. Admin. Code § 205.5
- WV W. Va. Code Ann. § 47-1A-3

■ Wool Filler Materials

- These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.

- Laws Potentially Impacted:

- CO Colo. Rev. Stat. Ann. § 25-5-305
- CT Regs. Conn. State Agencies § 21a-235-8
Regs. Conn. State Agencies § 21a-235-13
- IN 410 Ind. Admin. Code 13-1-3
410 Ind. Admin. Code 13-1-5
410 Ind. Admin. Code 13-1-6
- OH Ohio Admin. Code 4101:6-1-14
- PA 34 Pa. Code § 47.25
34 Pa. Code § 47.27
- RI 23 R.I. Gen. Laws Ann. § 23-26-3
- TX 25 Tex. Admin. Code § 205.5
- UT Utah Code Ann. § 4-10-106
Utah Admin. Code r. R70-101
- WV W. Va. Code Ann. § 47-1A-3

- Down or Feather Filler Materials

- These laws regulate down or feather materials used in stuffed products.
Most impose labeling requirements or restrictions on sale.

- Laws Potentially Impacted:

- CA 4 CCR § 1193
- CO Colo. Rev. Stat. Ann. § 25-5-305
- CT Regs. Conn. State Agencies § 21a-235-8
Regs. Conn. State Agencies § 21a-235-13
- DE Del. Code Ann. tit. 16, § 2102

Del. Code Ann. tit. 16, § 2103
Del. Code Ann. tit. 16, § 2106

■ OH Ohio Admin. Code 4101:6-1-12

■ OK Okla. Admin. Code 310:215-3-1

■ IN 410 Ind. Admin. Code 13-1-3
410 Ind. Admin. Code 13-1-5
410 Ind. Admin. Code 13-1-6

■ MA Mass. Ann. Laws ch. 94, § 272
Mass. Ann. Laws ch. 94, § 273
105 Mass. Code Regs. 620.003

■ PA 34 Pa. Code § 47.24
34 Pa. Code § 47.27

■ RI 23 R.I. Gen. Laws Ann. § 23-26-3

■ TX 25 Tex. Admin. Code § 205.3
25 Tex. Admin. Code § 205.5

■ UT Utah Code Ann. § 4-10-106
Utah Admin. Code r. R70-101

■ VA Va. Code Ann. § 32.1-213
Va. Code Ann. § 32.1-214

■ WV W. Va. Code Ann. § 47-1A-3

■ Hair Filler Materials

- These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 - Laws Potentially Impacted:

■ CA 4 CCR § 1211

- CO Colo. Rev. Stat. Ann. § 25-5-305
- CT Regs. Conn. State Agencies § 21a-235-8
Regs. Conn. State Agencies § 21a-235-13
- DE Del. Code Ann. tit. 16, § 2106
- IN 410 Ind. Admin. Code 13-1-3
410 Ind. Admin. Code 13-1-4
410 Ind. Admin. Code 13-1-5
410 Ind. Admin. Code 13-1-6
- OH Ohio Admin. Code 4101:6-1-13
- OK Okla. Admin. Code 310:215-3-1
- PA 34 Pa. Code § 47.26
34 Pa. Code § 47.27
- RI 23 R.I. Gen. Laws Ann. § 23-26-3
- TX 25 Tex. Admin. Code § 205.5
- UT Utah Code Ann. § 4-10-106
Utah Admin. Code r. R70-101
- VA Va. Code Ann. § 32.1-213
Va. Code Ann. § 32.1-214
- WV W. Va. Code Ann. § 47-1A-3

■ Wood or Paper Filler Materials

- These laws regulate wood or paper materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 - Laws Potentially Impacted:

- OK Okla. Admin. Code 310:215-1-4

■ Animal Fiber Materials

- These laws regulate when and how animal fiber materials can be used in stuffed products. Most impose labeling requirements or restrictions on sale.

- Laws Potentially Impacted:

- CO Colo. Rev. Stat. Ann. § 25-5-305
- CT Regs. Conn. State Agencies § 21a-235-13
- RI 23 R.I. Gen. Laws Ann. § 23-26-3
23 R.I. Gen. Laws Ann. § 23-26-7
- WV W. Va. Code Ann. § 47-1A-5

■ Plant Fiber Materials

- These laws regulate plant fiber materials used in stuffed products. Most impose labeling requirements or restrictions on sale.

- Laws Potentially Impacted:

- CT Regs. Conn. State Agencies § 21a-235-8
- IN 410 Ind. Admin. Code 13-1-3
410 Ind. Admin. Code 13-1-5
- NJ N.J. Stat. Ann. § 26:10-14 (felt)
- OH Ohio Admin. Code 4101:6-1-17
- OK Okla. Admin. Code 310:215-3-2
- RI 23 R.I. Gen. Laws Ann. § 23-26-3
- TX 25 Tex. Admin. Code § 205.5

■ Sterilization and Sanitation Requirements

- These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
 - Laws Potentially Impacted:

■ AZ Ariz. Rev. Stat. Ann. § 36-796.04

■ AR Ark. Code Ann. § 20-27-2703
Ark. Code Ann. § 20-27-209

■ CA 4 CCR § 1251
4 CCR § 1252
4 CCR § 1253
4 CCR § 1256
4 CCR § 1253
4 CCR § 1130
4 CCR § 1131
4 CCR § 1132
4 CCR § 1133
4 CCR § 1134
26 CCR § 4-1256

■ CO Colo. Rev. Stat. Ann. § 25-5-303
Colo. Rev. Stat. Ann. § 25-5-305

■ CT Conn. Gen. Stat. Ann. § 21a-232
Regs. Conn. State Agencies § 21a-235-9
Regs. Conn. State Agencies § 21a-235-13
Regs. Conn. State Agencies § 21a-235-15
Regs. Conn. State Agencies § 21a-235-16
Regs. Conn. State Agencies § 21a-235-18
Regs. Conn. State Agencies § 21a-235-19
Regs. Conn. State Agencies § 21a-235-20
Regs. Conn. State Agencies § 21a-235-21
Regs. Conn. State Agencies § 21a-235-23

Regs. Conn. State Agencies § 21a-235-24
Regs. Conn. State Agencies § 21a-235-25
Regs. Conn. State Agencies § 21a-235-26
Regs. Conn. State Agencies § 21a-235-27
Regs. Conn. State Agencies § 21a-235-28
Regs. Conn. State Agencies § 21a-235-29
Regs. Conn. State Agencies § 21a-235-30
Regs. Conn. State Agencies § 21a-235-31

- DE 16 Del. Admin. Code 4460-5.0
Del. Code Ann. tit. 16, § 2102
Del. Code Ann. tit. 16, § 2105
Code Del. Regs. 16 4000 4460
- IL 410 Ill. Comp. Stat. Ann. 68/25
410 Ill. Comp. Stat. Ann. 68/25
- IN 410 Ind. Admin. Code 13-1-2
410 Ind. Admin. Code 13-1-6
- KY Ky. Rev. Stat. Ann. § 214.290
- MA Mass. Ann. Laws ch. 94, § 273
105 Mass. Code Regs. 620.003
- MO Mo. Ann. Stat. § 421.038
- NV Nev. Admin. Code 444.001
Nev. Admin. Code 444.002
Nev. Admin. Code 444.003
Nev. Admin. Code 444.004
Nev. Admin. Code 444.005
Nev. Admin. Code 444.006
- NJ N.J. Stat. Ann. § 26:10-7
N.J. Stat. Ann. § 26:10-8
N.J. Stat. Ann. § 26:10-20
- NY N.Y. Comp. Codes R. & Regs. tit. 19, §

- NC 2 N.C. Admin. Code 61.0102
2 N.C. Admin. Code 61.0103
- OH Ohio Admin. Code 4101:6-1-21
Ohio Admin. Code 4101:6-1-22
Ohio Admin. Code 4101:6-1-24
- OK Okla. Admin. Code 310:215-5-1
Okla. Admin. Code 310:215-5-2
- PA 35 Pa. Stat. Ann. § 975
35 Pa. Stat. Ann. § 976
35 Pa. Stat. Ann. § 977
34 Pa. Code § 47.14
34 Pa. Code § 47.27
- RI 23 R.I. Gen. Laws Ann. § 23-26-4
23 R.I. Gen. Laws Ann. § 23-26-6
23 R.I. Gen. Laws Ann. § 23-26-7
23 R.I. Gen. Laws Ann. § 23-26-7.1
23 R.I. Gen. Laws Ann. § 23-26-17
- TX 25 Tex. Admin. Code § 205.8
25 Tex. Admin. Code § 205.9
- UT U.C.A. 1953 § 4-10-113
U.C.A. 1953 § 4-10-106
Utah Code Ann. § 4-10-106
Utah Admin. Code r. R70-101
- VA Va. Code Ann. § 32.1-213
Va. Code Ann. § 32.1-214
- WV W. Va. Code Ann. § 47-1A-4
W. Va. Code Ann. § 47-1A-5
W. Va. Code Ann. § 47-1A-6
W. Va. Code Ann. § 47-1A-10

■ Licensing Requirements

- These laws impose licensing requirements on all manufacturers who seek to sell bedding, upholstered furniture, or filling materials within the state.
 - Laws Potentially Impacted:

- CT Regs. Conn. State Agencies § 21a-235-4

■ Flammability

- These regulations impose labeling requirements regarding the use of flame retardant chemicals on bedding or upholstered furniture offered for sale within the state.
 - Laws Potentially Impacted:

- CA West's Ann.Cal.Bus. & Prof.Code § 19094

■ Prohibited Products

- These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.
 - Laws Potentially Impacted:

- AZ Ariz. Rev. Stat. Ann. § 36-796.03
 Ariz. Rev. Stat. Ann. § 36-796.04

- AR Ark. Code Ann. § 20-27-207

- NV Nev. Admin. Code 444.006

- NJ N.J. Stat. Ann. § 26:10-7
 N.J. Stat. Ann. § 26:10-8

- OH Ohio Admin. Code 4101:6-1-06

- OK Okla. Admin. Code 310:215-5-1

- RI 23 R.I. Gen. Laws Ann. § 23-26-3.1
23 R.I. Gen. Laws Ann. § 23-26-18
- UT Utah Code Ann. § 4-10-106
- VT Vt. Stat. Ann. tit. 9, § 2941

- Registration, Licensing, and Permits

- These laws impose registration, licensing, or permitting requirements on producers or manufacturers of bedding and other products such as mattresses.
 - Laws Potentially Impacted:

- CT Conn. Gen. Stat. Ann. § 21a-232
Conn. Gen. Stat. Ann. § 21a-234
Regs. Conn. State Agencies § 21a-235-10
Regs. Conn. State Agencies § 21a-235-11
Regs. Conn. State Agencies § 21a-235-12
Regs. Conn. State Agencies § 21a-235-13

- DE Del. Code Ann. tit. 16, § 2103
Del. Code Ann. tit. 16, § 2108
Del. Code Ann. tit. 16, § 2109
Code Del. Regs. 16 4000 4460

- IL 410 Ill. Comp. Stat. Ann. 68/15

- IN 410 Ind. Admin. Code 13-1-6

- MA Mass. Gen. Laws Ann. ch. 94, § 271

- NY N.Y. Gen. Bus. Law § 384
N.Y. Gen. Bus. Law § 385

- NC 2 N.C. Admin. Code 61.0106
2 N.C. Admin. Code 61.0107
2 N.C. Admin. Code 61.0108
2 N.C. Admin. Code 61.0109

2 N.C. Admin. Code 61.0111

- OH Ohio Admin. Code 4101:6-1-03
Ohio Admin. Code 4101:6-1-18
- OK Okla. Admin. Code 310:215-7-2
Okla. Admin. Code 310:215-7-3
- PA 35 Pa. Stat. Ann. § 979
34 Pa. Code § 47.12
34 Pa. Code § 47.28
- RI 23 R.I. Gen. Laws Ann. § 23-26-7.1
23 R.I. Gen. Laws Ann. § 23-26-8
23 R.I. Gen. Laws Ann. § 23-26-9
23 R.I. Gen. Laws Ann. § 23-26-12
23 R.I. Gen. Laws Ann. § 23-26-22
23 R.I. Gen. Laws Ann. § 23-26-23
- TX 25 Tex. Admin. Code § 205.11
- UT Utah Code Ann. § 4-10-104
Utah Code Ann. § 4-10-105
Utah Admin. Code r. R70-101
- VA Va. Code Ann. § 32.1-216
Va. Code Ann. § 32.1-217
Va. Code Ann. § 32.1-218
- WV W. Va. Code Ann. § 47-1A-7
W. Va. Code Ann. § 47-1A-10

■ Inspections

- These regulations require inspections for certain bedding or stuffed materials offered for sale.
 - Laws Potentially Impacted:

- DE Del. Code Ann. tit. 16, § 2111

- RI Gen.Laws 1956, § 23-26-23

- Record Keeping

- These laws impose record keeping requirements on manufacturers of certain types of bedding, mattresses, or other stuffed materials.
 - Laws Potentially Impacted:

- CA 4 CCR § 1255

- UT Utah Code Ann. § 4-10-108

- Storage and Facilities

- These laws regulate the storage, transportation, or manufacture of bedding, mattresses, or other similar materials offered for sale.
 - Laws Potentially Impacted:

- CT Regs. Conn. State Agencies § 21a-235-17
Regs. Conn. State Agencies § 21a-235-22

- NJ N.J. Stat. Ann. § 26:10-20

- NC 2 N.C. Admin. Code 61.0105

- OH Ohio Admin. Code 4101:6-1-23

- OK Okla. Admin. Code 310:215-7-1

- VA Va. Code Ann. § 32.1-223

- Damaged Goods

- These regulations impose restrictions on the sale of bedding or other similar items that have been damaged or otherwise contain damaged materials. Some require the manufacturer remake or pay for the return of products not made to satisfaction.

- Laws Potentially Impacted:

- IL 410 Ill. Comp. Stat. Ann. 68/20
- MA 105 Mass. Code Regs. 620.005
- NC 2 N.C. Admin. Code 61.0104
- VA Va. Code Ann. § 32.1-222

- Children's Products and Upholstery

- Chemical Flame Retardants

- Chlorinated TRIS (TDCPP) and TCEP

- These laws restrict the use or impose requirements on the use of chlorinated TRIS and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from the chemicals' potentially toxic or carcinogenic effects, to which young children are particularly susceptible. These laws could be preempted to the extent that TDCPP or TCEP are applied to agricultural products, which may include items such as furniture, changing pads, and bedding.

- Laws Potentially Impacted:

- MD MD Code, Health - General, § 24-306
- MN M.S.A. § 325F.071
- NY McKinney's ECL § 37-0705
McKinney's ECL § 37-0709
- RI Gen.Laws 1956, § 23-26-3.1
- VT 9 V.S.A. § 2974
9 V.S.A. § 2975

- WA West's RCWA 70.240.025
West's RCWA 70.240.040

- Brominated Flame Retardants

- These laws restrict the use or impose requirements on the use of brominated flame retardants and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.

- Laws Potentially Impacted:

- CA West's Ann.Cal.Health & Safety Code § 108922
West's Ann.Cal.Health & Safety Code § 19821
- HI HRS § 332D-2
- IL HRS § 332D-2
- ME 38 M.R.S.A. § 1609
38 M.R.S.A. § 1609-A
- MI 38 M.R.S.A. § 1609
- MN M.S.A. § 325E.386
- OR ORS 453.005-135
- VT 9 V.S.A. § 2973
9 V.S.A. § 2975

- Stuffed Toys

- Labeling

- These laws impose labeling or other requirements on stuffed toys. They are intended to increase accountability and transparency.

- Laws Potentially Impacted:

- MA 105 CMR 620.002
Mass. Gen. Laws Ann. ch. 94, § 271
Mass. Gen. Laws Ann. ch. 94, § 272
 - OH Ohio Admin. Code 4101:6-1-04
Ohio Admin. Code 4101:6-1-05
Ohio Admin. Code 4101:6-1-14
Ohio Admin. Code 4101:6-1-24
 - PA 35 P.S. § 5204
34 Pa. Code § 47.315
 - TX V.T.C.A., Health & Safety Code § 501.023

- Flammability and Content Requirements

- These laws impose restrictions on the flammability testing, sterilization, and labeling of children’s stuffed toys. They are supplemental to federal requirements and are intended to increase safety.

- Laws Potentially Impacted:

- PA 35 P.S. § 5205
 - TX V.T.C.A., Health & Safety Code § 501.0231
V.T.C.A., Health & Safety Code § 501.021

- Registration

- These laws impose licensing or registration requirements on producers who manufacture stuffed toys offered for sale within the state.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 271

- OH OAC 4101:6-1-03

- PA 35 P.S. § 5203
35 P.S. § 5206

- Children's Clothing

- Flammability and Labeling Requirements

- These laws impose restrictions on the flammability testing, hazardous substance use, and labeling of children's clothing. They are intended to be supplemental to federal requirements and increase safety.

- Laws Potentially Impacted:

- TX V.T.C.A., Health & Safety Code §
501.021
25 TAC § 205.24
25 TAC § 205.25
25 TAC § 205.43
25 TAC § 205.44

- Registration

- These laws impose registration requirements for producers whose products contain hazardous substances. These regulations must be complied with prior to offering products for sale within the state.

- Laws Potentially Impacted:

- MA M.G.L.A. 94 § 271

- TX V.T.C.A., Health & Safety Code §
501.024

VII. Live Animal Imports

- Authorizations

- Authority to Quarantine

- These laws establish the authority of state officials to impose embargoes, quarantines, or other regulations restricting the importation of agricultural products coming into the state. They are intended to affirm the state's police powers and ability to protect local interests from pests and disease.

- Laws Potentially Impacted:

- AL Ala.Code 1975 § 2-25-13
 - AZ A.R.S. § 3-209
 - IL 8 Ill. Adm. Code 240.280
 - MA M.G.L.A. 128 § 27
 - MN M.S.A. § 18G.06
 - MS Miss. Code Ann. § 69-25-23

- Aquaculture

- Infectious Salmon Anemia

- Infectious salmon anemia (ISA) is a viral disease of Atlantic salmon that affects fish farms, causing severe losses to infected farms. Federal regulations apply only to Maine producers (see 9 C.F.R. § 53.1), but other states have implemented additional laws that prohibit the importation of fish exposed to the disease or otherwise restrict the movement of particular fish.

- Laws Potentially Impacted:

- CO 2 CCR 406-0:014

- MT Mont. Admin.R. 12.7.502
 Mont.Admin.R. 12.7.505
- NH N.H. Code Admin. R. Fis 803.09
- OH OAC 901:1-17-13
- OR OAR 635-007-0975;
 OAR 635-007-0970
- SD ARSD 41:09:08:03.03
- WA WAC 220-370-190
 WAC 220-370-050

- Aquaculture Import and Disease Reporting

- Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
 - Laws Potentially Impacted:

- CA 14 CCR 236
- CO 2 CCR 406-0:014
- IL 17 Ill. Adm. Code 875.10
 17 Ill. Adm. Code 870.50
- IN Ind. Adm. Code 9-10-15
 Ind. Adm. Code 9-10-14
- IA Iowa Adm. Code 571 - 89.2 (481A)
 I.C.A. § 481A.143
- KS K.A.R. 115-18-10
- KY 301 Kentucky Adm. Code 1:125

- MI Mich. Stat. 287.729a (sections 701-747)
Mich. Stat. 324.48735

- MN Minn. Stat. 17.4986
Minn. Stat. 17.4985
Minn. Stat. 17.4982

- MO 2 CSR 30-2.010
3 CSR 10-9.110

- MT MCA 87-3-210 to 87-3-227

- NE Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 005

- ND N.D.A.C. § 30-03-02-06

- OH Ohio Admin. Code 901:1-17-13
Ohio Admin. Code 901:1-17-14

- OK Okla. Admin. Code 35:50-1-1 et. seq

- PA 58 Pa. Code § 73.1 et seq.

- SD ARSD 41:09:08:03.03

- TN Tenn. Comp. R. & Regs. 1660-01-26-.02
Tenn. Comp. R. & Regs. 1660-1-18-.02

- WV W. Va. Code, § 20-2-13

- WI W. Va. Code, § 20-2-13

- WY WY Rules and Regulations GAME POSS
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■ Viral Hemorrhagic Septicemia

- These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.

- Laws Potentially Impacted:

- AR Ark. Admin. Code 002.00.1-I1.01
- CA 14 CCR 236
- CO 2 CCR 406-0:014
- IL 17 Ill. Adm. Code 875.10
17 Ill. Adm. Code 870.50
- IN Ind. Adm. Code 9-10-15
Ind. Adm. Code 9-10-14
- IA Iowa Adm. Code 571 - 89.2 (481A)
I.C.A. § 481A.143
- KS K.A.R. 115-18-10
- KY 301 Kentucky Adm. Code 1:125
- MI Mich. Stat. 287.729a (sections 701-747)
Mich. Stat. 324.48735
- MN Minn. Stat. 17.4986, 17.4985
Minn. Stat. 17.4982
- MO 2 CSR 30-2.010 (15)
3 CSR 10-9.110(4)

- MT Mont. Code sections 87-3-210 to 87-3-227
- NE 163 Neb. Admin. Code chap. 2, § 001.07
- ND N.D.A.C. § 30-03-02-06
- OH Ohio Admin. Code 901:1-17-13
Ohio Admin. Code 901:1-17-14
- OK Okla. Admin. Code 35:50-1-1 et. seq
- PA Penn. Code § 73.1 et seq.
- SD S.D. Admin. Rules § 41:09:08:03.03
- TN Tenn. Comp. R. & Regs. 1660-1-26-.02
Tenn. Comp. R. & Regs. 1660-1-18-.02
- WV W. Va. Code R. § 20-2-13
- WI Wisc. Admin. Code Agriculture, Trade
Consumer Protection § 10.65
- WY WY Rules and Regs. GAME POSS
Ch. 10, s 3

■ Bait

- These laws regulate what species of fish can be sold as bait. They are intended to prevent the introduction of invasive species of fish and known fish diseases that may be transmitted through the sale and use of fish as bait.
 - Laws Potentially Impacted:
 - KS Kan. Admin. Regs. 115-17-2
 - NC 15A N.C.A.C. 3I.0104
 - NH N.H. Code Admin. R. Fis 502.07

■ Salmon

- These regulations prohibit the importation of salmon or otherwise restrict them from entering the state.

- Laws Potentially Impacted:

- CA 14 CCR § 166

- NE Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 001
Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 002

■ Import of Fish Labeled as Salmon

- Some states require that the salmon entering the state be delivered in a condition so that the species and size can be determined to assure compliance with fishing laws. Others restrict import to control the spread of fish diseases.

- Laws Potentially Impacted:

- CA 14 CCR § 166

- NE Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 001
Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 002

■ Dreissenid Mussels

- These laws prohibit the importation of dreissenid mussels into the state. They are intended to protect the local environment from invasive species.

- Laws Potentially Impacted:

- CA West's Ann.Cal.Fish & G.Code § 2301

■ Diseased Fish

- These regulations prohibit the importation of certain varieties of diseased or potentially diseased fish.

- Laws Potentially Impacted:

- CA 14 CCR § 245
- IA Iowa Admin. Code 571-89.3(481A)
- IL 17 Ill. Adm. Code 870.50
- NH N.H. Code Admin. R. Fis 803.09

■ Fish for Fertilizer

- This law prohibits the importation of fish for the purpose of making fertilizer.
 - Laws Potentially Impacted:
 - DE Del. Code Ann. tit. 7, § 926

■ Invasive Aquatic Fish

- These laws regulate the importation of invasive aquatic fish into the state. They are intended to protect native populations and prevent damage to the ecosystem.
 - Laws Potentially Impacted:
 - IA Iowa Admin. Code 571-90.2(456A)
 - LA La. Admin Code. tit. 76, Pt VII, § 1101
 - MN Minnesota Rules, part 6216.0250
 - NC 15A NCAC 2G.0602
 - OK Okla. Admin. Code 800:20-3-2

● Genetically Modified Organisms

■ Import

- These laws place restrictions on the importation into the state of genetically modified plants or animals that may adversely impact human health or safety as well as local agriculture or wildlife.

- Laws Potentially Impacted:

- ID I.C. § 22-2016
- MI M.C.L.A. 287.712
Mich. Comp. Laws § 287.731

- Birds

- Avian Influenza and Newcastle Disease

- Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-6-.35
Ala. Admin. Code r. 80-3-18-.02 et seq.
- AK Alaska Admin. Code tit. 18, § 36.215
- AR Ark. Admin. Code 125.00.11
Ark. Admin. Code 125.00.15 et seq.
- CA 3 CCR § 821.4
- CO 8 CCR 1201-20:7
- CT Regs. Conn. State Agencies § 22-324-1
- DE 3 Del. Admin. Code 901-2.0

3 Del. Admin. Code 904-15.0 et seq

- FL Fla. Admin. Code Ann. r. 5C-3.001
Fla. Admin. Code Ann. r. 5C-3.012
Fla. Admin. Code Ann. r. 5C-16.001 et seq.
- GA Comp. R. & Regs. 40-13-1-.03 et seq.
Ga. Comp. R. & Regs. 40-13-2-.15
Ga. Comp. R. & Regs. 40-13-4-.02
- HI Haw. Admin. Rules (HAR) § 4-22
Haw. Admin. Rules (HAR) § 4-28-8
- ID IDAPA 02.04.03.302
- IL 8 Ill. Adm. Code 85.10
8 Ill. Adm. Code 85.125
- IN 345 IAC 1-6-2
345 IAC 4-4-4
- IA Iowa Admin. Code 21-64.185(163)
Iowa Admin. Code 21-65.1(163)
Iowa Admin. Code 21-65.3(163)
Iowa Admin. Code 21-65.11(163).
- KS K.A.R. 9-9-4
K.A.R. 9-27-1
- KY 302 Ky. Admin. Regs. 20:040
302 Ky. Admin. Regs. 20:250
- LA La. Admin Code. tit. 7, Pt XXI, § 105
La. Admin Code. tit. 7, Pt XXI, § 531
- ME 01-001 CMR Ch. 206, § 4
01-001 CMR Ch. 206, § 5
- MN Minnesota Rules part 1721.0360

- MS Miss. Admin. Code 2-101-2:12

- MO 2 Mo. Code of State Regulations 30-1.020
2 Mo. Code of State Regulations 30-8.010

- MT Mont.Admin.R. 32.3.104

- NE Neb.Admin.R.& Regs. Tit. 173, Ch.1
§ 1-004
Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 010

- NV NAC 441A.085

- NH N.H. Code Admin. R. Agr 2114.01

- NJ N.J.A.C. 2:3–1.1, N.J.A.C. 2:3–7.1 et seq. -
N.J.A.C. 2:5–4.1

- NM N.M. Admin. Code 7.4.3

- NY 1 NYCRR 45.1
1 NYCRR 45.5

- NC 2 NCAC 52B.0603
2 NCAC 52C.0603

- ND NDAC 48.1-09-03-01
NDAC 48.1-10-01-01

- OH OAC 901:1-15-02
OAC 901:1-21-02

- OK Okla. Admin. Code 35:15-11-41
Okla. Admin. Code 35:15-19-4
Okla. Admin. Code 35:15-19-5

- OR OAR 603-011-0375

OAR 333-018-0015

OAR 603-011-0212

- PA 7 Pa. Code § 3.113
7 Pa. Code § 15.10
- RI R.I. Admin. Code 25-3-27:1.14
R.I. Admin. Code 25-15-100,
APPENDIX IV
- SC S.C. Code of Regulations R. 27-1011,
27-1014
- TN Tenn. Comp. R. & Regs. 0080-02-01-.10
Tenn. Comp. R. & Regs. 0080-02-16-.02
- TX 4 TAC § 51.15
4 TAC § 54.9
- UT U.A.C. R58-6
U.A.C. R70-410
- VT Vt. Admin. Code 2-4-301:III
- VA 2 VAC 5-30-30
2 VAC 5-141-60
- WA WAC 16-54-145
WAC 16-70-020t
- WV W. Va. Code St. R. § 61-1-3
- WI Wis. Adm. Code Ch. Atcp 10, App. A
Wis. Adm. Code § ATPC 10.83
- WY WY Rules and Regulations LSTK GEN
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- Cattle and Bison

- Anthrax

- Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-6-.07
 Ala. Admin. Code r. 80-3-6-.13
 <http://agi.alabama.gov/divisions/veterinary-diagnostic-labs/reportable-diseases/list-of-reportable-diseases>
 - AK 18 AAC 36.215
 18 AAC 36.015
 - AZ A.A.C. R3-2-603
 A.A.C. R3-2-402
 - AR Ark. Admin. Code 125.00.12
 Ark. Admin. Code 125.00.11
 - CA 3 CCR § 830.3
 3 CCR § 830.2
 https://www.cdfa.ca.gov/ahfss/AnimalHealth/pdfs/CA_reportable_disease_list_poster.pdf
 - CO 8 CCR 1201-19:2
 8 CCR 1201-19:1
 8 CCR 1201-19:12
 <https://www.colorado.gov/pacific/sites/>

default/files/atoms/files/UPDATED%
20Reportable%20Disease%20List.pdf

- CT C.G.S.A. § 22-318
CT ST § 22-312
C.G.S.A. § 22-278
http://www.ct.gov/doag/lib/doag/inspection_regulation/2017/Connecticut_Reportable_Diseases_2017.pdf
- DE 16 Del. Admin. Code 4202-10.0
16 Del. Admin. Code 4202 Appendix I
- FL Fla. Admin. Code r. 5C-3.002
Fla. Admin. Code r. 5C-20.002
- GA Ga. Comp. R. & Regs. 40-13-1-.05
Ga. Comp. R. & Regs. 40-13-4-.02
- HI Haw. Admin. Rules (HAR) § 4-20-7
Haw. Admin. Rules (HAR) § 4-22 Exhibit A
- ID IDAPA 02.04.21.200 cattle
IDAPA 02.08.01.010
IDAPA 16.02.10.050
- IL 8 Ill. Adm. Code 85.150
8 Ill. Adm. Code 85.12
- IN 345 IAC 1-3-4
345 IAC 1-6-2
- IA Iowa Admin. Code 21-65.3(163)
Iowa Admin. Code 21-64.1(163)
- KS K.A.R. 9-7-2
K.A.R. 9-27-1
- KY 302 Ky. Admin. Regs. 20:020

302 Ky. Admin. Regs. 21:005

- LA La. Admin Code. tit. 7, Pt XXI, § 501
La. Admin Code. tit. 7, Pt XXI, § 105
- ME 01-001 CMR Ch. 206, § 2
01-001 CMR Ch. 206, § 4
01-001 CMR Ch. 206, § 5
- MD COMAR 15.11.01.01
COMAR 15.11.01.04
MD Code, Agriculture, § 3-104
[http://mda.maryland.gov/AnimalHealth/
Pages/diseases-reportable.aspx](http://mda.maryland.gov/AnimalHealth/Pages/diseases-reportable.aspx)
- MA 330 CMR 4.01
105 CMR 300.140
[http://www.mass.gov/eea/agencies/agr/animal-h
ealth/reportable-disease/reportable-disease-listin
g-generic.html](http://www.mass.gov/eea/agencies/agr/animal-health/reportable-disease/reportable-disease-listing-generic.html).
- MI M.C.L.A. 287.720
[http://www.michigan.gov/documents/mdard/201
7DiseaseReport_615164_7.pdf](http://www.michigan.gov/documents/mdard/2017DiseaseReport_615164_7.pdf)
- MN Minnesota Rules, part 1721.0040
Minnesota Rules, part 1721.0050
[https://www.bah.state.mn.us/reportable-
diseases/](https://www.bah.state.mn.us/reportable-diseases/)
- MS Miss. Admin. Code 2-101-2:12
Miss. Admin. Code 2-101-2:15
- MO 2 Mo. Code of State Reg. 30-2.010
[http://agriculture.mo.gov/animals/health/disease
/comdisease.php](http://agriculture.mo.gov/animals/health/disease/comdisease.php)
- MT Mont. Admin. R. 32.3.202
Mont. Admin. R. 32.3.206

<http://liv.mt.gov/Animal-Health/Diseases/Reportable-Animal-Diseases>

- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
http://www.nda.nebraska.gov/animal/reporting/disease_list.pdf
- NV NAC 571.095
N.R.S. 571.210
http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Animals/Animal_Disease/NV_Reportable_Diseases_Aug_2011.pdf
- NH N.H. Code Admin. R. Agr 2103.04
N.H. Code Admin. R. Agr 2103.01
<https://www.agriculture.nh.gov/publications-forms/documents/reportable-diseases.pdf>
- NJ N.J.A.C. 2:3-1.2
N.J.A.C. 2:3-1.4
<http://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaselist.pdf>
- NM N.M. Admin. Code 21.32.4
<http://nmbvm.org/wp-content/uploads/2014/12/NM-Reportable-Disease-List-7-15-13.pdf>
- NY 1 NYCRR 62.1
1 NYCRR 53.2
https://www.agriculture.ny.gov/AI/Reportable_Disease_List.pdf
- NC 2 NCAC 52B.0201
2 NCAC 52B.0202
<http://www.ncagr.gov/vet/vetdis.htm>

- ND NDAC 48.1-05-01-01
<https://www.nd.gov/ndda/sites/default/files/resource/ReportableDiseaseList3-2018.pdf>

- OH OAC 901:1-17-02
OAC 901:1-17-01
<http://www.odh.ohio.gov/pdf/animdis/AnZooDisRef.pdf>

- OK Okla. Admin. Code 35:15-1-2
Okla. Admin. Code 35:15-11-1
<https://www.ag.ok.gov/ais/reportdisease.pdf>

- OR OAR 603-011-0255
OAR 603-011-0212

- PA 7 Pa. Code § 3.3
7 Pa. Code § 3.4
http://www.padls.org/InnerPages/Reportable_Diseases.html

- RI R.I. Admin. Code 25-3-13:4
R.I. Admin. Code 25-3-27:1.7
<http://www.dem.ri.gov/programs/agriculture/documents/reprtdis.pdf>

- SC S.C. Code 1976 § 47-4-60
S.C. Code of Regulations R. 27-1011

- SD ARSD 12:68:06:01
SDCL § 40-14-2
<http://www.aib.sd.gov/pdfs/2015-Reportable%20%20Quarantinable%20Diseases.pdf>

- TN Tenn. Comp. R. & Regs. 0080-02-01-.02
Tenn. Comp. R. & Regs. 0080-02-01-.01

<https://www.tn.gov/content/dam/tn/agriculture/documents/animalhealth/AgBusReportablediseases.pdf>

- TX 4 TAC § 51.2
4 TAC §45.2(a)
- UT U.A.C. R58-1
U.A.C. R58-2
U.A.C. R58-3
<https://ag.utah.gov/documents/ReportableDiseaseList.pdf>
- VT Vt. Admin. Code 2-4-301:II
6 V.S.A. § 1151 (incorporates the U.S. National List of Reportable Animal Diseases found at https://www.aphis.usda.gov/animal_health/nahrs/downloads/2017_nahrs_dz_list.pdf)
- VA 2 VAC 5-141-20
<https://law.lis.virginia.gov/admincode/title2/agency5/chapter30/section30/>
- WA WAC 16-54-030
WAC 16-54-032
WAC 16-70-020
- WV W. Va. Code St. R. § 61-1-7
W. Va. Code St. R. § 61-1-3
<https://agriculture.wv.gov/divisions/animalhealth/Documents/Reportable%20Diseases%20and%20Conditions%202017.pdf>
- WI Wis. Adm. Code § ATPC 10.06
Wis. Adm. Code § ATPC 10.07
Wis. Adm. Code Ch. Atcp 10, App. A
Wis. Adm. Code Ch. Atcp 10, App. B

- WY WY Rules and Regulations LSTK GEN
Ch. 8 s 7
WY Rules and Regs LSTK GEN
Ch. 8 s 8
<https://wlsb.state.wy.us/editable-page/animal-health/downloadFile?filename=Reportable%20DZ%20Book1.pdf>

■ Brucellosis

- Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

○ Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-1-.11
Ala. Admin. Code r. 80-3-6-.38
- AK 18 AAC 36.275
- AZ A.A.C. R3-2-612
- AR Ark. Admin. Code 125.00.17
- CA 3 CCR § 751.1
- CO 8 CCR 1201-19
- DE Del. Code Ann. tit. 3, §7301
3 Del. Admin. Code 904-4.0
- FL Fla. Admin. Code Ann. r. 5C-6.0017
- GA Ga. St. 4-4-95.1

Ga. Comp. R. & Regs. 40-13-2-.04
Ga. Comp. R. & Regs. 40-13-2-.05

- HI Haw. Admin. Rules (HAR) § 4-16-18
- ID Rules IDAPA 02.04.200 et. seq.
- IL 8 Ill. Adm. Code 40.100
- IN 345 IAC 1-3-7.5
345 IAC 2-6-3
- IA Iowa Admin. Code 21-64.49(163)
Iowa Admin. Code 21-64.51(163)
Iowa Admin. Code 21-64.52(163)
- KS K.A.R. 9-2-32
- KY 302 Ky. Admin. Regs. 20:055
- LA La. Admin Code. tit. 7, Pt XXI, § 511
- ME 01-001 CMR Ch. 209, § 5
- MD COMAR 15.11.01.04
- MA 330 CMR 4.04
- MI Mich. Admin. Code R 287.712
MI ST 287.730a
- MN Minnesota Rules, part 4605.7040
- MS Miss. Admin. Code 2-101-2:12
- MO 2 Mo. Code of State Regulations 30-2.010
- MT Mont. Admin. R. 32.3.212A

- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 005
- NE NAC 441A.475
- NH N.H. Code Admin. R. Agr 2104.01
- NJ N.J.A.C. 2:2–2.1
- NM N.M. Admin. Code 21.32.4
- NY 1 NYCRR 53.1
- NC 2 NCAC 52A.0103
- ND NDAC 48.1-12-01-03
- OH OAC 901:1-5-03
- OR OAR 603-011-0510
- OK Okla. Admin. Code 35:15-17-44
- PA 7 Pa. Code § 3.22
- RI R.I. Admin. Code 31-5-34:3.0
- SC S.C. Code of Regulations R. 27-1013
- SD ARSD 12:02:10:04
- TN Tenn. Comp. R. & Regs. 0080-02-01-.12
- TX 4 TAC § 35.1
- UT U.A.C. R58-1
- VT Vt. Admin. Code 2-4-100:311.14
Vt. Admin. Code 2-4-303:1551

- VA 2 VAC 5-141-70
- WA WAC 16-54-083
- WV W. Va. Code St. R. § 61-1-11
- WI Wis. Adm. Code § ATP 10.22
- WY WY Rules and Regulations LSTK GEN
Ch. 2 s 4

■ Bovine Tuberculosis

- In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-7-.04
Ala. Admin. Code r. 80-3-7-.07
- AZ A.A.C. R3-2-612
- AR Ark. Admin. Code 125.00.12 et seq.
- CA 3 CCR § 758
- CO 2 CCR 406-0:007
- CT Regs. Conn. State Agencies § 22-278-1
Regs. Conn. State Agencies § 22-278-6
Regs. Conn. State Agencies § 22-308-1

- FL Rule 5C-7.016, F.A.C. et seq
 Rule 5C-26.001, F.A.C. et seq
 Rule 5C-3.004, F.A.C.

- GA Ga. Comp. R. & Regs. 40-13-2-.06
 Ga. Comp. R. & Regs. 40-13-4-.07

- HI Haw. Admin. Rules (HAR) §4-22, Ex.A
 Haw. Admin. Rules (HAR) § 4-16-16

- ID IDAPA 02.04.21.240

- IL 8 Ill. Adm. Code 80.80
 8 Ill. Adm. Code 80.140

- IN 345 IAC 2.5-3-7
 345 IAC 2-6-2.5

- IA Iowa Code Ann. § 165.36
 Iowa Admin. Code 21-65.4(163)
 Iowa Admin. Code 21-64.73(163) et seq

- KS K.A.R. 9-7-4

- KY 302 Ky. Admin. Regs. 20:040

- LA La. Admin Code. tit. 7, Pt XXI, § 733

- MD COMAR 15.11.01.04

- MA 330 CMR 4.01
 330 CMR 4.04

- MI Mich. Admin. Code R 287.712

- MN Minnesota Rules, part 1721.0165
 Minnesota Rules, part 1721.0130

- MS Miss. Admin. Code 2-101-2:12

- MT Mont. Admin. R. 32.3.2006

- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 002
Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 005

- NH N.H. Code Admin. R. Agr 2104.02

- NJ N.J.A.C. 2:3–2.4 et seq.

- NM N.M. Stat. Ann. § 77-5-4
N.M. Admin. Code 21.32.4

- NC 2 NCAC 52B.0201
2 NCAC 52C.0603
2 NCAC 52A.0101

- ND NDAC 48.1-05-01-02
NDAC 48.1-07-03-01

- OH OAC 901:1-17-03
OAC 901:1-17-04

- OK Okla. Admin. Code 35:15-40-90.1
Okla. Admin. Code 35:15-40-92

- OR OAR 603-011-0212
OAR 603-011-0265

- PA 7 Pa. Code § 3a.2
7 Pa. Code § 3.23

- SC S.C. Code of Regulations R. 27-1025
S.C. Code of Regulations R. 27-1013

- SD ARSD 12:68:23:01

ARSD 12:68:04:37

ARSD 12:68:04:36

- TN Tenn. Comp. R. & Regs. 0080-03-03-.03
 Tenn. Comp. R. & Regs. 0080-02-01-.05
- TX 4 TAC § 51.8
 4 TAC § 43.1 et seq.
- VT Vt. Admin. Code 2-4-301:III
- VA 2 VAC 5-141-70
 2 VAC 5-40-50
 2 VAC 5-141-110
- WA WAC 16-54-085
- WI Wis. Adm. Code § ATCP 10.01 et seq.
 Wis. Adm. Code § ATCP 10.07
 Wis. Adm. Code § ATCP 10.06
 Wis. Adm. Code § ATCP 10.13
 Wis. Adm. Code § ATCP 10.22
- WY WY Rules and Regulations GAME POSS
 Ch. 10, s App. II

- Johnes's Disease

- Johnes's disease is a contagious, chronic, and usually fatal infection that affects the small intestine of ruminants, such as cows. It is widespread in the dairy industry, causing roughly \$200–250 million in annual losses. Federal regulation prohibits the interstate movement of animals that have tested positive, but does not impose a testing requirement. Some states have enacted additional requirements for mandating testing prior to importation or otherwise further restricting import.
 - Laws Potentially Impacted:

- ND NDAC 48.1-09-03-01

- WI Wis. Adm. Code § ATPC 10.08
- WY WY Rules and Regs.GAME POSS
Ch. 10 s App. II

■ Rabies

- Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-6-.07
Ala. Admin. Code r. 80-3-6-.13
<http://agi.alabama.gov/divisions/veterinary-diagnostic-labs/reportable-diseases/list-of-reportable-diseases>
- AK 18 AAC 36.215
18 AAC 36.015
- AZ A.A.C. R3-2-603
A.A.C. R3-2-402
- AR Ark. Admin. Code 125.00.12
Ark. Admin. Code 125.00.11
- CA 3 CCR § 830.3
3 CCR § 830.2
https://www.cdfa.ca.gov/ahfss/AnimalHealth/pdfs/CA_reportable_disease_list_poster.pdf
- CO 8 CCR 1201-19:2

8 CCR 1201-19:1

8 CCR 1201-19:12

<https://www.colorado.gov/pacific/sites/default/files/atoms/files/UPDATED%20Reportable%20Disease%20List.pdf>

- CT C.G.S.A. § 22-318
CT ST § 22-312
CT ST § 22-319b
C.G.S.A. § 22-278
http://www.ct.gov/doag/lib/doag/inspection_regulation/2017/Connecticut_Reportable_Diseases_2017.pdf
- DE 16 Del. Admin. Code 4202-10.0
16 Del. Admin. Code 4202 Appendix I
- FL Fla. Admin. Code r. 5C-3.002
Fla. Admin. Code r. 5C-20.002
- GA Ga. Comp. R. & Regs. 40-13-1-.05
Ga. Comp. R. & Regs. 40-13-4-.02
- HI Haw. Admin. Rules (HAR) § 4-20-7
Haw. Admin. Rules (HAR) § 4-22
Exhibit A
- ID IDAPA 02.04.21.200
IDAPA 02.08.01.010
IDAPA 16.02.10.050
- IL 8 Ill. Adm. Code 85.150
8 Ill. Adm. Code 85.12
- IN 345 IAC 1-3-4
345 IAC 1-6-2
- IA Iowa Admin. Code 21-65.3(163)
Iowa Admin. Code 21-64.1(163)

- KS K.A.R. 9-7-2
 K.A.R. 9-27-1

- KY 302 Ky. Admin. Regs. 20:020
 302 Ky. Admin. Regs. 21:005

- LA La. Admin Code. tit. 7, Pt XXI, § 501
 La. Admin Code. tit. 7, Pt XXI, § 105

- ME 01-001 CMR Ch. 206, § 2
 01-001 CMR Ch. 206, § 4
 01-001 CMR Ch. 206, § 5

- MD COMAR 15.11.01.01
 COMAR 15.11.01.04 cattle
 MD Code, Agriculture, § 3-104
 [http://mda.maryland.gov/AnimalHealth/
Pages/diseases-reportable.aspx](http://mda.maryland.gov/AnimalHealth/Pages/diseases-reportable.aspx)

- MA 330 CMR 4.01
 330 CMR 11.01
 105 CMR 300.140
 [http://www.mass.gov/eea/agencies/agr/animal-h
ealth/reportable-disease/reportable-disease-listin
g-generic.html](http://www.mass.gov/eea/agencies/agr/animal-health/reportable-disease/reportable-disease-listing-generic.html).

- MI M.C.L.A. 287.720
 [http://www.michigan.gov/documents/mdard/201
7DiseaseReport_615164_7.pdf](http://www.michigan.gov/documents/mdard/2017DiseaseReport_615164_7.pdf)

- MN Minnesota Rules, part 1721.0040
 Minnesota Rules, part 1721.0050
 [https://www.bah.state.mn.us/reportable-
diseases/](https://www.bah.state.mn.us/reportable-diseases/)

- MS Miss. Admin. Code 2-101-2:12
 Miss. Admin. Code 2-101-2:15

- MO 2 Mo. Code of State Reg. 30-2.010
<http://agriculture.mo.gov/animals/health/disease/comdisease.php>

- MT Mont. Admin. R. 32.3.202
Mont. Admin. R. 32.3.206
<http://liv.mt.gov/Animal-Health/Diseases/Reportable-Animal-Diseases>

- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
http://www.nda.nebraska.gov/animal/reporting/disease_list.pdf

- NV NAC 571.095
N.R.S. 571.210
http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Animals/Animal_Disease/NV_Reportable_Diseases_Aug_2011.pdf

- NH N.H. Code Admin. R. Agr 2103.04
N.H. Code Admin. R. Agr 2103.01
<https://www.agriculture.nh.gov/publications-forms/documents/reportable-diseases.pdf>

- NJ N.J.A.C. 2:3-1.2
N.J.A.C. 2:3-1.4
<http://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaselist.pdf>

- NM N.M. Admin. Code 21.32.4
<http://nmbvm.org/wp-content/uploads/2014/12/NM-Reportable-Disease-List-7-15-13.pdf>

- NY 1 NYCRR 62.1
1 NYCRR 53.2

https://www.agriculture.ny.gov/AI/Reportable_Disease_List.pdf

- NC 2 NCAC 52B.0201
2 NCAC 52B.0202
<http://www.ncagr.gov/vet/vetdis.htm>
- ND NDAC 48.1-05-01-01
<https://www.nd.gov/ndda/sites/default/files/resource/ReportableDiseaseList3-2018.pdf>
- OH OAC 901:1-17-02
OAC 901:1-17-01
<http://www.odh.ohio.gov/pdf/animdis/AnZooDisRef.pdf>
- OK Okla. Admin. Code 35:15-1-2
Okla. Admin. Code 35:15-11-1
<https://www.ag.ok.gov/ais/reportdisease.pdf>
- OR OAR 603-011-0255
OAR 603-011-0212
- PA 7 Pa. Code § 3.3
7 Pa. Code § 3.4
http://www.padls.org/InnerPages/Reportable_Diseases.html
- RI R.I. Admin. Code 25-3-13:4
R.I. Admin. Code 25-3-27:1.7
<http://www.dem.ri.gov/programs/agriculture/documents/reprtdis.pdf>
- SC S.C. Code of Regulations R. 27-1013
S.C. Code 1976 § 47-4-60
S.C. Code of Regulations R. 27-1011
- SD SDCL § 40-14-2

<http://www.aib.sd.gov/pdfs/2015-Reportable%20%20Quarantinable%20Diseases.pdf>

- TN Tenn. Comp. R. & Regs. 0080-02-01-.02
Tenn. Comp. R. & Regs. 0080-02-01-.01
<https://www.tn.gov/content/dam/tn/agriculture/documents/animalhealth/AgBusReportablediseases.pdf>
- TX 4 TAC § 51.2
4 TAC §45.2(a)
- UT U.A.C. R58-1
U.A.C. R58-2
U.A.C. R58-3
<https://ag.utah.gov/documents/ReportableDiseaseList.pdf>
- VT Vt. Admin. Code 2-4-301:II
6 V.S.A. § 1151 (incorporates the U.S. National List of Reportable Animal Diseases found at https://www.aphis.usda.gov/animal_health/nahrs/downloads/2017_nahrs_dz_list.pdf)
- VA 2 VAC 5-141-20
<https://law.lis.virginia.gov/admincode/title2/agency5/chapter30/section30/>
- WA WAC 16-54-030
WAC 16-54-032
WAC 16-70-020
- WV W. Va. Code St. R. § 61-1-7
W. Va. Code St. R. § 61-1-3
<https://agriculture.wv.gov/divisions/animalhealth/Documents/Reportable%20Diseases%20and%20Conditions%202017.pdf>

- WI Wis. Adm. Code § ATCP 10.06
 Wis. Adm. Code § ATCP 10.07
 Wis. Adm. Code Ch. Atcp 10, App. A
 Wis. Adm. Code Ch. Atcp 10, App. B

- WY WY Rules and Regulations LSTK GEN
 Ch. 8 s 7
 WY Rules and Regs LSTK GEN
 Ch. 8 s 8
 <https://wlsb.state.wy.us/editable-page/animal-health/downloadFile?filename=Reportable%20DZ%20Book1.pdf>

- Cattle Fever Tick

- These laws impose restrictions on the importation of cattle from areas where cattle fever tick infestations have been known to occur as well as cows that may have been exposed to other animals or areas where the disease was present. Animals infected with cattle fever experience high fever, loss of red blood cells, enlarged organs, and ultimately, death. States impose these regulations to protect local cows, deer, horses, and other animals from the disease.
 - Laws Potentially Impacted:
 - NC 2 NCAC 52B.0205
 - SC S.C. Code of Regulations R. 27-1013
 - TX 4 TAC § 41.5

- Cervids

- Bovine Tuberculosis

- Bovine tuberculosis also affects cervids. Deer and other cervids are generally included in the bovine tuberculosis regulations.
 - See discussion above under “Cattle” as well as relevant citations.

■ Chronic Wasting Disease (“CWD”): Embargo

- Like mad cow disease in cattle, chronic wasting disease in cervids is a degenerative neurologic disease caused by an infectious agent known as a prion (a malfunctioning protein in the brain and nervous system). It causes muscle loss, deterioration of the brain and, eventually, death. It is found in both wild and captive deer populations. These laws prohibit all cervid imports in order to curb the spread of chronic wasting disease and protect local deer populations.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 220-2-.26
- AZ A.A.C. R12-4-430
- AR Ark. Admin. Code 002.00.1-09.11
Ark. Admin. Code 125.00.12
- CT Regs. Conn. State Agencies § 22-278-6
- FL Fla. Admin. Code r. 68A-4.0051
- MD COMAR 08.03.09.12
- MA 321 CMR 2.15
- MS Miss. Admin. Code 2-101-2:06
- NJ N.J.A.C. 7:25–10.10
N.J.A.C. 2:3–8.6
Agency emergency order banning importation of white-tailed deer, black-tailed deer, mule deer, red deer, sika deer, reindeer, elk and moose still in force.

- Chronic Wasting Disease (“CWD”): Restrictions
 - These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
 - Laws Potentially Impacted:
 - AK 18 AAC 36.175 et seq
 - CA 14 CCR § 712
 14 CA ADC § 671
 - CO 8 CCR 1201-17:3
 - DE 3 Del. Admin. Code 905-4.0
 - GA Ga. Comp. R. & Regs. 40-13-2-.13
 Ga. Comp. R. & Regs. 391-4-9-.05
 - HI Haw. Admin. Rules (HAR) § 4-71-6
 HI ADC § 4-71 Attachment 3
 - ID IDAPA 02.04.19.014
 IDAPA 02.04.21.600
 - IL 17 Ill. Adm. Code 635.20
 - IN 345 IAC 2-7-2.4
 - IA 571-104.20(481A)
 - KS K.A.R. 9-3-9
 - KY 302 Ky. Admin. Regs. 20:040

- LA La. Admin Code. tit. 7, Pt XXI, § 1717
La. Admin Code. tit. 76, Pt V, §119
- ME 01-001 CMR Ch. 206, § 4
09-137 CMR Ch. 4, § 4.09
- MI MI ST 287.730a
- MN Minnesota Rules, part 1721.0400
- MO 2 Mo. Code of State Regs.30-2.010
- MT Mont. Admin. R. 32.4.1309
Mont. Admin. R. 32.4.502
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 013
- NH N.H. Code Admin. R. Agr 2116.02
N.H. Code Admin. R. Fis 309.01
- NM N.M. Admin. Code 19.35.7
- NY 1 NYCRR 62.7
- NC 15A NCAC 10B.0101
- ND NDAC 48.1-09-03-01
- OH OAC 901:1-1-01
- OK Okla. Admin. Code 35:15-47-18
Okla. Admin. Code 800:25-24-3
- OR OAR 603-011-0382
- PA 58 Pa. Code § 137.35
7 Pa. Code § 3a.3
- RI R.I. Admin. Code 25-8-12:2.10
R.I. Admin. Code 25-8-12:2.14

- SD ARSD 12:68:25:17
- TN Tenn. Comp. R. & Regs. 0080-02-01-.12
Tenn. Comp. R. & Regs. 1660-01-15-.02
- TX 4 TAC § 51.10
4 TAC § 40.2
- UT U.A.C. R657-3
U.A.C. R58-1
- VT Vt. Admin. Code 2-4-316:IV
Vt. Admin. Code 16-4-117:3.0
Vt. Admin. Code 2-4-301:III
- VA 2 VAC 5-30-30
4 VAC 15-90-293
- WA WAC 16-70-020
WAC 220-413-030
- WV W. Va. Code St. R. § 58-69-3
- WI Wis. Adm. Code § ATPC 10.55
- WY WY Rules and Regs. GAME POSS
Ch. 10 s App. II
WY Rules and Regs. GAME HUNT
Ch. 2 s 15

- Bees

- Import Requirements and Health Certifications
 - These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to

protect the health of local bee populations and prevent the spread of disease.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-11-.04
Ala. Admin. Code r. 80-10-11-.05
Ala. Code 1975 § 2-14-4
- AK Alaska Admin. tit. 11, § 35.020;
- AR Ark. Code R. § 209.02.9-3
- CA West's Ann.Cal.Food & Agric.Code § 29042
West's Ann.Cal.Food & Agric.Code § 29120
West's Ann.Cal.Food & Agric.Code § 29122
- CT C.G.S.A. § 22-90
- DE 3 Del.C. § 7510
- FL Rule 5B-54.006, F.A.C.
- GA Ga. Comp. R. & Regs. 40-4-1-.03
- HI Haw. Rev. Stat. § 150A-6
- ID Idaho Admin. Code 02.06.30.200
- IL 8 Ill. Adm. Code 60.60
- IA Iowa Admin. Code r. 21-22.11(160)
- KS K.A.R. 4-15-8
K.A.R. 4-15-9
- KY KRS § 252.190
- ME 7 M.R.S.A. § 2751
7 M.R.S.A. § 2753
- MD MD Code, Agriculture, § 5-505
- MA M.G.L.A. 128 § 35

- MS Miss. Code Ann. § 69-25-101
- MO Mo. Rev. Stat. § 264.061
- MT Mont.Admin.R. 4.12.106
MCA 80-6-202
- NE Neb. Rev. Stat. § 81-2,167
- NV N.R.S. 552.212
- NH N.H. Rev. Stat. § 429:7
- NJ N.J.S.A. 4:6-15
- NM N. M. S. A. 1978, § 76-9-11
- NY McKinney's Agriculture and Markets Law § 175
- NC 2 NCAC 48A.0246
- ND NDCC, 36-14-04.1
- OH Ohio Rev. Code § 909.10
- OK 2 Okl.St.Ann. § 3-117.1
- PA 3 Pa.C.S.A. § 2111
- SC Code 1976 § 46-37-10
- SD SDCL § 38-18-4
SDCL § 38-18-25
- TN T. C. A. § 44-15-113
- TX V.T.C.A., Agriculture Code § 131.041
- UT U.C.A. 1953 § 4-11-111
- VT 6 V.S.A. § 3032

- VA Va. Code Ann. § 3.2-4405
Va. Code Ann. § 3.2-4406
- WA West's RCWA 15.60.021
- WV W. Va. Code Ann. § 19-13-7
- WI W.S.A. 94.76
Wis. Adm. Code § ATP 21.13
- WY W.S.1977 § 11-7-404
W.S.1977 § 11-7-302

■ Bee Quarantines

- These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
 - Laws Potentially Impacted:

- AL Ala.Code 1975 § 2-14-10
- CA West's Ann.Cal.Food & Agric.Code § 29110
West's Ann.Cal.Food & Agric.Code § 29111
- CO 8 CCR 1203-4:I
- CT C.G.S.A. § 22-90
- KY KRS § 252.200
- NC 2 NCAC 48A.0258
- IL 8 Ill. Adm. Code 60.60
- LA La. Admin Code. tit. 7, Pt XV, § 515
La. Admin Code. tit. 7, Pt XV, § 503
- MA 330 CMR 8.05
- MI M.C.L.A. 286.811
- MO V.A.M.S. 264.063

- MS Miss. Admin. Code 2-1-3:06
- NE Neb.Rev.St. § 81-2,170
- NM NM ST § 76-9-11
- OR O.R.S. § 561.510
O.R.S. § 561.560
O.R.S. § 561.540
- PA 3 Pa.C.S.A. § 2104
- RI R.I. Admin. Code 25-3-18:3.5
- TN T. C. A. § 44-15-110
- TX V.T.C.A., Agriculture Code § 131.022
- VT Vt. Admin. Code 2-3-206:V
- WI Wis. Adm. Code § ATP 21.13

■ Embargoes on the Import of Bees

- These laws place a full prohibition on bees originating from certain states. They are intended to protect local populations from disease and pests originating in other states.
 - Laws Potentially Impacted:

- IA Iowa Admin. Code 21-22.10(160)

■ Acceptable Levels of Mites

- These regulations impose maximum allowable levels of mites for bees coming into the state. They limit the amount of undesirable pests that can be traveling in hives in order to restrict their spread.
 - Laws Potentially Impacted:

- IA Iowa Admin. Code 21-22.3(160)
Iowa Admin. Code 21-22.4(160)

■ Prohibition on Africanized Bees

- These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.
 - Laws Potentially Impacted:

- DE 3 Del.C. § 7509
- FL Rule 5B-54.003, F.A.C.
- IL 8 Ill. Adm. Code 60.50
- IA Iowa Admin. Code 21-22.9(160)
Iowa Admin. Code 21-22.8(160)
- MS Miss. Admin. Code 2-1-3:06
Miss. Admin. Code 2-1-3:01
- NY 6 NYCRR 575.3
- NC 2 NCAC 48A.0259
2 NCAC 48A.0257
- WI Wis. Adm. Code § ATPC 21.13

■ Destruction or Treatment of Colonies with American Foulbrood

- These regulations work to limit the spread of American Foulbrood, a hive-destroying mite that can spread between colonies. Some require the immediate destruction of entering hives found to contain American Foulbrood. Others require hives to be sprayed or treated for Foulbrood prior to import into the state.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 209.02.9-2
- CA West's Ann.Cal.Food & Agric.Code § 29127
- FL Rule 5B-54.017, F.A.C.

- GA Ga. Comp. R. & Regs. 40-4-1-.03
- LA La. Admin Code. tit. 7, Pt XV, § 517
- IA Iowa Admin. Code 21-22.11(160)
- MS Miss. Admin. Code 2-1-3:06
- PA 3 Pa.C.S.A. § 2109
- SD SDCL § 38-18-10

■ Disease Free Certifications for Sale

- These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.
 - Laws Potentially Impacted:

- AK 11 AAC 35.010
11 AAC 35.040
- CA West's Ann.Cal.Food & Agric.Code § 29172
- IL 8 Ill. Adm. Code 60.60
- IA Iowa Admin. Code 21-22.11(160)
- LA La. Admin Code. tit. 7, Pt XV, § 513
- MS Miss. Admin. Code 2-1-3:06
- NC 2 NCAC 48A.0263
- OK 2 Okl.St.Ann. § 3-106
- SC Code 1976 § 46-37-30
- TX V.T.C.A., Agriculture Code § 131.023
- VA VA Code Ann. § 3.2-4407

- VT Vt. Admin. Code 2-3-206:II

■ Bee Transportation Requirements

- These laws regulate the movement of bees into or through the state. Some require bees to be packaged or housed a certain way, impose temperature requirements, or require documentation to accompany them.
 - Laws Potentially Impacted:

- AL Ala.Code 1975 § 2-14-4
- IL 8 Ill. Adm. Code 60.40
- IN 312 Ind. Admin. Code 18-3-6
- MA M.G.L.A. 128 § 35
330 CMR 8.04
- NC 2 NCAC 48A.0246
- NH N.H. Code Admin. R. Agr 1806.01
- RI R.I. Admin. Code 25-3-18:3.5

● Horses

■ Equine Infectious Anemia

- Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-4-.03 et seq
- AK 18 AAC 36.225

18 AAC 36.920

- AZ A.A.C. R3-2-615
- AR Ark. Admin. Code 125.00.12
Ark. Admin. Code 209.01.5-I
AR ST § 2-40-801 et seq
- CA West's Ann.Cal.Food & Agric.Code
§ 9641.5
- CO 8 CCR 1201-19:8
- CT CT ST § 22-415a; 22-415c
- DE 3 Del. Admin. Code 904-6.0
- FL Fla. Admin. Code Ann. r. 5C-3.003
- GA Ga. Comp. R. & Regs. 40-13-2-.12
- HI Haw. Admin. Rules (HAR) § 4-23-8
- ID IDAPA 02.04.21.004
- IL IL ST CH 510 § 65/4
- IN 345 IAC 6-1.1-4.6
- IA Iowa Admin. Code 21-65.8(163)
- KS K.A.R. 9-7-14
- KY 302 Ky. Admin. Regs. 20:040
- LA La. Admin Code. tit. 7, Pt XXI, § 521
- ME 01-001 CMR Ch. 206, § 4

- MD COMAR 15.11.12.03
- MA MA ST 129 § 44
- MI M.C.L.A. 287.726a
- MN Minnesota Rules, part 1721.0240
- MS Miss. Admin. Code 2-101-2:12
- MO 2 Mo. Code Regs. Ann. tit. 2, § 30-2.010
- MT Mont.Admin.R. 32.3.216
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 008
- NV NAC 571.030
- NH N.H. Code Admin. R. Agric. 2113.02
- NJ N.J.A.C. 2:3–6.2
- NM N.M. Admin. Code 21.32.4
- NY 1 NYCRR 64.4
- NC 2 NCAC 52B.0206
2 NCAC 52B.0406
- ND NDAC 48.1-06-01-02
- OH OAC 901:1-19-05
- OK Okla. Admin. Code 35:15-15-111
- OR OAR 603-011-0305
- PA 7 Pa. Code § 3.103

- RI R.I. Admin. Code 25-3-27:1.15
- SC S C Code 1976 § 47-13-1350
- SD ARSD 12:68:16:04
- TN Tenn. Comp. R. & Regs. 0080-02-01-.06
- TX 4 TAC § 49.2 ; 4 TAC § 51.13
- UT U.A.C. R58-1
- VT Vt. Admin. Code 2-4-301:III
Vt. Admin. Code 2-4-312:III
- VA 2 VAC 5-141-100
- WA WAC 16-54-071
- WV W. Va. Code St. R. § 61-1-7
- WI Wis. Adm. Code § ATPC 10.36
- WY WY Rules and Regulations LSTK GEN
Ch. 8 s 18

● Sheep and Goats

■ Scrapie

- Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or "mad cow disease") and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

○ Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-6-.37
Ala. Admin. Code r. 80-3-6-.18
- AK 18 AAC 36.135
- AZ A.A.C. R3-2-606
- AR Ark. Admin. Code 125.00.12
- CA 3 CCR § 760.5
- CO 8 CCR 1201-16:2
- CT Regs. Conn. State Agencies § 22-278-A2
- DE 3 Del. Admin. Code 902-4.0
- FL Rule 5C-3.005, F.A.C.
- GA Ga. Comp. R. & Regs. 40-13-2-.11
- HI Haw. Admin. Rules (HAR) § 4-16-9
- ID IDAPA 02.08.01.100
- IL 8 Ill. Adm. Code 85.55
- IN 345 IAC 5-5-1
- IA Iowa Admin. Code 21-65.6(163)
Iowa Admin. Code 21-65.7(163)(sheep)
- KS K.A.R. 9-32-3
- KY 302 Ky. Admin. Regs. 20:040
- LA La. Admin Code. tit. 7, Pt XXI, § 1503
La. Admin Code. tit. 7, Pt XXI, § 555
- ME 01-001 CMR Ch. 206, § 4
- MD COMAR 15.11.18.04
- MA MA ST 129 § 27
MA ST 129 § 36D

- MI M.C.L.A. 287.719
MI ST 287.728
MI ST 287.727
- MN Minnesota Rules, part 1721.0450
- MS Miss. Admin. Code 2-101-2:16
- MO 2 Mo. Code of State Regulations 30-2.010
- MT Mont.Admin.R. 32.3.1303
Mont.Admin.R. 32.3.202
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 002
Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 007
- NV NAC 571.060
- NH N.H. Code Admin. R. Agr 2108.02
- NJ N.J.A.C. 2:3-1.4
- NM N.M. Admin. Code 21.32.4
- NY 1 NYCRR 62.5
- NC 2 NCAC 52B.0209
- ND NDAC 48.1-08-01-03
NDAC 48.1-09-06-01
NDAC 48.1-11-01-03
- OH OAC 901:1-17-06
OAC 901:1-17-08
- OK Okla. Admin. Code 35:15-36-1
Okla. Admin. Code 35:15-11-1
2 Okl.St.Ann. § 6-151
- OR OAR 603-011-0392

- PA 7 Pa. Code § 3.161
- RI R.I. Admin. Code 25-3-25:7.6
R.I. Admin. Code 25-3-27:1.12
R.I. Admin. Code 25-3-27:1.13
- SC S.C. Code of Regulations R. 27-1013
- SD ARSD 12:68:28:02
SD ST § 40-14-2
- TN Tenn. Comp. R. & Regs. 0080-02-01-.08
- TX 4 TAC § 51.12
- UT U.A.C. R58-1
- VT Vt. Admin. Code 2-4-301:II
- VA 2 VAC 5-141-90
2 VAC 5-206-30
- WA WAC 16-54-101
WAC 16-89-010
- WV W. Va. Code St. R. § 61-1-9
- WI Wis. Adm. Code § ATPC 10.08
Wis. Adm. Code § ATPC 10.07
- WY WY Rules and Regs.LSTK GEN Ch. 8 s 20

■ Scabies

- Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 125.00.12
- CA 3 CCR § 760.7
- FL Fla. Admin. Code Ann. r. 5C-3.005
- GA Ga Comp. R. & Regs. 40-13-2-.11
- ID IDAPA 02.08.01.100
IDAPA 02.08.01.102
- IN 345 IAC 5-5-1
- KS K.A.R. 9-10-7
- KY 302 Ky. Admin. Regs. 20:040
- LA La. Admin Code. tit. 7, Pt XXI, § 551
- MI Miss. Admin. Code 2-101-2:12
- MO 2 Mo. Code of State Regulations 30-2.010
2 Mo. Code of State Regulations 30-2.040
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 11, § 009
- NM N.M. Admin. Code 21.32.4
- PA 7 Pa. Code § 3.121
7 Pa. Code § 3.142
- RI R.I. Admin. Code 25-3-27:1.12
- SC S.C. Code of Regulations R. 27-1013
- TX Tex. Agric. Code Ann. § 164.05
4 TAC § 51.7
- VA 2 VAC 5-205-100
- VT Vt. Admin. Code 2-4-301:III

- Swine

- Pseudorabies

- Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-2-.02
- AK 18 AAC 36.145
- AZ A.A.C. R3-2-613
- AR Ark. Admin. Code 209.01.4-2
- CA 3 CCR § 796.4
3 CCR § 796.6
- CO 3 CCR § 796.4
- CT CT ST § 22-319b
- DE 3 Del. Admin. Code 904-7.0
- FL Rule 5C-3.007, F.A.C.
- GA Ga. Comp. R. & Regs. 40-13-2-.08
- HI Haw. Admin. Rules (HAR) § 4-17-7
- ID IDAPA 02.04.21.402

- IL 8 Ill. Adm. Code 105.10
 8 Ill. Adm. Code 105.30

- IN 345 IAC 1-3-11

- IA Iowa Admin. Code 21-65.5(163,166D)

- KS K.S.A. 47-607
 K.A.R. 9-7-7

- KY 302 Ky. Admin. Regs. 20:040

- LA La. Admin Code. tit. 7, Pt XXI, § 1312

- ME 01-001 CMR Ch. 206, § 4

- MD COMAR 15.11.05.02

- MA 330 CMR 11.04

- MI MI ST 287.837
 MI ST 287.839

- MN Minnesota Rules, part 1721.0190
 Minnesota Rules, part 1721.0010
 <https://www.bah.state.mn.us/reportable-diseases/>

- MS Miss. Admin. Code 2-101-2:12

- MO 2 Mo. Code of State Regulations 30-2.010

- MT Mont.Admin.R. 32.3.220
 Mont.Admin.R. 32.3.306
 Mont.Admin.R. 32.3.314
 Mont.Admin.R. 32.3.206
 Mont.Admin.R. 32.3.219

- NE Neb.Rev.St. § 54-788

Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
 § 006
 Neb. Admin.R.& Regs. Tit. 23, Ch. 15,
 § 016
 Neb. Admin. R. & Regs. Tit. 23, Ch. 15,
 § 018

- NV NAC 571.050
- NH N.H. Code Admin. R. Agr 2110.03
 N.H. Code Admin. R. Agr 2110.04
- NJ N.J.A.C. 2:3–3.4
- NM N.M. Admin. Code 21.32.4
- NY 1 NYCRR 63.4
 1 NYCRR 63.5
- NC 2 NCAC 52B.0207
- ND NDAC 48.1-12-01-03
- OH OAC 901:1-11-04
 OAC 901:1-11-07
 OAC 901:1-11-04 306
- OK Okla. Admin. Code 35:15-22-33
 Okla. Admin. Code 35:15-22-31
- OR OAR 603-011-0310
- PA 7 Pa. Code § 3.131
 7 Pa. Code § 3.139
 7 Pa. Code § 3.172
- RI R.I. Admin. Code 25-3-27:1.11
- SC S.C. Code of Regulations R. 27-1013

- SD ARSD 12:68:17:04
ARSD 12:68:17:01
- TN Tenn. Comp. R. & Regs. 0080-02-01-.07
- TX 4 TAC § 51.2
4 TAC § 34.2
4 TAC § 51.9
- UT U.A.C. R58-1
- VT Vt. Admin. Code 2-4-301:II
Vt. Admin. Code 2-4-301:III
- VA 2 VAC 5-141-120
- WA WAC 16-54-111
WAC 16-54-180
- WV W. Va. Code St. R. § 61-1-7
W. Va. Code St. R. § 61-1-13
- WI Wis. Adm. Code § ATCP 10.30
- WY WY Rules & Regs. GAME POSS Ch. 10
s App. II

■ Swine Vesicular Disease

- Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-3-6-.07
Ala. Admin. Code r. 80-3-6-.13
<http://agi.alabama.gov/divisions/>

veterinary-diagnostic-labs/reportable-diseases/list-of-reportable-diseases

- AK 18 AAC 36.215
18 AAC 36.015
- AZ A.A.C. R3-2-603
A.A.C. R3-2-402
- AR Ark. Admin. Code 125.00.12
Ark. Admin. Code 125.00.11
- CA 3 CCR § 830.3
3 CCR § 830.2
https://www.cdfa.ca.gov/ahfss/AnimalHealth/pdfs/CA_reportable_disease_list_poster.pdf
- CO 8 CCR 1201-19:2
8 CCR 1201-19:1
8 CCR 1201-19:12
<https://www.colorado.gov/pacific/sites/default/files/atoms/files/UPDATED%20Reportable%20Disease%20List.pdf>
- CT CT ST § 22-319b
C.G.S.A. § 22-278
http://www.ct.gov/doag/lib/doag/inspection_regulation/2017/Connecticut_Reportable_Diseases_2017.pdf
- DE 16 Del. Admin. Code 4202-10.0
16 Del. Admin. Code 4202 Appendix I
- FL Fla. Admin. Code r. 5C-3.002
Fla. Admin. Code r. 5C-20.002
- GA Ga. Comp. R. & Regs. 40-13-1-.05

- HI Haw. Admin. Rules (HAR) § 4-20-7
Haw. Admin. Rules (HAR) § 4-22 Exhibit A
- ID IDAPA 02.04.21.400
IDAPA 02.08.01.010
IDAPA 16.02.10.050
IDAPA 02.04.03.309
- IL 8 Ill. Adm. Code 85.150
8 Ill. Adm. Code 85.12
- IN 345 IAC 1-3-4
345 IAC 1-6-2
- IA Iowa Admin. Code 21-65.3(163)
Iowa Admin. Code 21-64.1(163)
- KS K.A.R. 9-7-2
K.A.R. 9-27-1
- KY 302 Ky. Admin. Regs. 20:020
302 Ky. Admin. Regs. 20:115
302 Ky. Admin. Regs. 21:005
- LA La. Admin Code. tit. 7, Pt XXI, § 501
La. Admin Code. tit. 7, Pt XXI, § 105
- ME 01-001 CMR Ch. 206, § 2
01-001 CMR Ch. 206, § 4
01-001 CMR Ch. 206, § 5
- MD COMAR 15.11.01.01
MD Code, Agriculture, § 3-104
[http://mda.maryland.gov/AnimalHealth/
Pages/diseases-reportable.aspx](http://mda.maryland.gov/AnimalHealth/Pages/diseases-reportable.aspx)
- MA 330 CMR 11.01

105 CMR 300.140

<http://www.mass.gov/eea/agencies/agr/animal-health/reportable-disease/reportable-disease-listing-generic.html>.

- MI M.C.L.A. 287.720
http://www.michigan.gov/documents/mdard/2017DiseaseReport_615164_7.pdf
- MN Minnesota Rules, part 1721.0040
Minnesota Rules, part 1721.0050
<https://www.bah.state.mn.us/reportable-diseases/>
- MS Miss. Admin. Code 2-101-2:12
Miss. Admin. Code 2-101-2:15
- MO 2 Mo. Code of State Regulations 30-2.010
<http://agriculture.mo.gov/animals/health/disease/comdisease.php>
- MT .
Mont. Admin. R. 32.3.202
Mont. Admin. R. 32.3.206
<http://liv.mt.gov/Animal-Health/Diseases/Reportable-Animal-Diseases>
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
http://www.nda.nebraska.gov/animal/reporting/disease_list.pdf
- NV NAC 571.095
N.R.S. 571.210
http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Animals/Animal_Disease/NV_Reportable_Diseases_Aug_2011.pdf

- NH N.H. Code Admin. R. Agr 2103.04
N.H. Code Admin. R. Agr 2103.01
<https://www.agriculture.nh.gov/publications-forms/documents/reportable-diseases.pdf>

- NJ N.J.A.C. 2:3–1.2
N.J.A.C. 2:3–1.4
<http://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaselist.pdf>

- NM N.M. Admin. Code 21.32.4
<http://nmbvm.org/wp-content/uploads/2014/12/NM-Reportable-Disease-List-7-15-13.pdf>

- NY 1 NYCRR 62.1
1 NYCRR 53.2
https://www.agriculture.ny.gov/AI/Reportable_Disease_List.pdf

- NC 2 NCAC 52B.0201
2 NCAC 52B.0202
<http://www.ncagr.gov/vet/vetdis.htm>

- ND NDAC 48.1-05-01-01
<https://www.nd.gov/ndda/sites/default/files/resource/ReportableDiseaseList3-2018.pdf>

- OH OAC 901:1-17-02
OAC 901:1-17-01
<http://www.odh.ohio.gov/pdf/animdis/AnZooDisRef.pdf>

- OK Okla. Admin. Code 35:15-1-2
Okla. Admin. Code 35:15-11-1
<https://www.ag.ok.gov/ais/reportdisease.pdf>

- OR OAR 603-011-0255
OAR 603-011-0310

- PA 7 Pa. Code § 3.3
7 Pa. Code § 3.4
http://www.padls.org/InnerPages/Reportable_Diseases.html
- RI R.I. Admin. Code 25-3-13:4
R.I. Admin. Code 25-3-27:1.7
<http://www.dem.ri.gov/programs/agriculture/documents/reprtdis.pdf>
- SC S.C. Code 1976 § 47-4-60
S.C. Code of Regulations R. 27-1011
- SD ARSD 12:68:06:01
SDCL § 40-14-2
<http://www.aib.sd.gov/pdfs/2015-Reportable%20%20Quarantinable%20Diseases.pdf>
- TN Tenn. Comp. R. & Regs. 0080-02-01-.02
Tenn. Comp. R. & Regs. 0080-02-01-.01
<https://www.tn.gov/content/dam/tn/agriculture/documents/animalhealth/AgBusReportablediseases.pdf>
- TX 4 TAC § 51.2
4 TAC §45.2(a)
- UT U.A.C. R58-1
U.A.C. R58-2
U.A.C. R58-3
<https://ag.utah.gov/documents/ReportableDiseaseList.pdf>
- VT Vt. Admin. Code 2-4-301:II
6 V.S.A. § 1151 (incorporates the U.S. National List of Reportable Animal Diseases found at <https://www.aphis>.

usda.gov/animal_health/nahrs/downloads/2017_nahrs_dz_list.pdf)

- VA 2 VAC 5-141-20
<https://law.lis.virginia.gov/admincode/title2/agency5/chapter30/section30/>
- WA WAC 16-54-030
WAC 16-54-032
WAC 16-70-020
- WV W. Va. Code St. R. § 61-1-7
W. Va. Code St. R. § 61-1-3
<https://agriculture.wv.gov/divisions/animalhealth/Documents/Reportable%20Diseases%20and%20Conditions%202017.pdf>
- WI Wis. Adm. Code § ATPC 10.06
Wis. Adm. Code § ATPC 10.07
Wis. Adm. Code Ch. Atcp 10, App. A
Wis. Adm. Code Ch. Atcp 10, App. B
- WY WY Rules and Regulations LSTK GEN
Ch. 8 s 7
WY Rules and Regs LSTK GEN
Ch. 8 s 8
<https://wlsb.state.wy.us/editable-page/animal-health/downloadFile?filename=Reportable%20DZ%20Book1.pdf>

- Pig Semen and Ova

- Gamete Importation

- These laws impose regulations and restrictions on the importation of semen and ova from swine to be used for breeding purposes. They are intended to prevent the transmission of disease and ensure that animals produced from imported stock are healthy.

- Laws Potentially Impacted:

- AR A.A.C. R3-2-404
- GA Ga. Comp. R. & Regs. 40-13-2-.04
Ga. Comp. R. & Regs. 40-13-2-.08
- MT Mont.Admin.R. 32.4.403
Mont.Admin.R. 32.3.220
- NM N.M. Admin. Code 21.30.7
- UT U.A.C. R58-1
- WA WAC 16-54-111
WAC 16-54-071

- Exotic Meats

- Snake

- These laws impose import conditions on live snakes. To the extent that imported snakes are raised for meat for human consumption, they may be considered agricultural products.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. 220-2-.26
- AR Ark. Admin. Code 002.00.1-09.11
- CA 14 CCR § 40
14 CCR § 671
- CT Regs. Conn. State Agencies § 26-55-6
- FL Rule 68-5.001, F.A.C.
- MA 321 CMR 2.15
- NH N.H. Code Admin. R. Fis 803.06

- ND NDAC 48.1-09-06-01

■ Turtle

- These laws impose import conditions on live turtles. To the extent that imported turtles are raised for human consumption, as pets, or as livestock, they may be considered agricultural products. These laws are intended to prevent the spread of salmonella and other diseases, as well as to ensure safe handling processes.
 - Laws Potentially Impacted:
 - AR Ark. Admin. Code 002.00.1-34.11
Ark. Admin. Code 002.00.1-09.11
 - CA 17 CCR § 2612.1
4 CCR § 671
 - KY 301 Ky. Admin. Regs. 2:081
 - MD COMAR 10.06.01.23
 - NH N.H. Code Admin. R. Fis 803.06
 - RI R.I. Admin. Code 25-8-15:3.7
 - SC S.C. Code of Regulations R. 123-151.1
 - TN Tenn. Comp. R. & Regs. 1200-14-01-.36
 - UT U.A.C. R657-53

■ Horsemeat Labeling

- These state regulations require that horsemeat be specifically labelled as such. They are intended to increase transparency regarding sourcing.
 - Laws Potentially Impacted:
 - AZ A.A.C. R3-2-207
 - IL 8 Ill. Adm. Code 70.80
225 ILCS 635/9

- LA La. Admin Code. tit. 49, Pt XXV, § 998
La. Admin Code. tit. 49, Pt XXV, § 995
- MN M.S.A. § 31A.12
- MT Mont.Admin.R. 32.6.901
- ND NDAC 7-13-05-07
- VT Vt. Admin. Code 2-4-100:312.3
- WI Wis. Adm. Code § ATP 55.07

■ Horsemeat Importation for Human Consumption

- The importation of horsemeat for sale for human consumption is illegal in some states. These laws criminalize or otherwise prohibit the importation or offering for sale of horsemeat for human consumption.
 - Laws Potentially Impacted:

- IL 225 ILCS 635/1.5
- NJ N.J.S.A. 4:22-25.5
- OK 2 Okl.St.Ann. § 6-192
- TX V.T.C.A., Agriculture Code § 149.00

■ Ostrich and Other Ratites

- These regulations require that ostrich and other ratites be accompanied by a certification of veterinary inspection prior to import. They are intended to protect local ostrich farming operations and ensure that ostrich meat and other products are healthy and free from disease.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 125.00.12
- FL Rule 5C-3.012, F.A.C.
- GA Ga. Comp. R. & Regs. 40-13-1-.05

- KY 302 Ky. Admin. Regs. 20:040
- MN Minnesota Rules, part 1721.0280WI
- MO Mont.Admin.R. 32.3.226
- NH N.H. Code Admin. R. Agr 2103.03
- RI R.I. Admin. Code 25-3-27:1.6
- WA WAC 16-54-145
- WI Wis. Adm. Code § ATPC 10.83
- WY WY Rules and Regulations LSTK GEN Ch. 8 s 17

■ Emu

- These state regulations require health certification for emus imported into the state. They are intended to protect local emu farmers and ensure that incoming birds are healthy and free of disease.
 - Laws Potentially Impacted:
 - AR Ark. Admin. Code 125.00.12
 - UT U.A.C. R58-6
 - WY WY Rules and Regulations LSTK GEN Ch. 8 s 17

■ Boar

- These regulations prohibit the importation of boars into the state. They are intended to protect public health and safety as well as local livestock and pastureland.
 - Laws Potentially Impacted:
 - CT Regs. Conn. State Agencies § 26-55-6
 - WA WAC 220-640-020

- Bison

- These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
 - Laws Potentially Impacted:

- AK 18 AAC 36.015
- AK 18 AAC 36.115
- AZ A.A.C. R3-2-612
- GA Ga. Comp. R. & Regs. 40-13-1-.05
- ID IDAPA 02.04.21.202
- KY 302 Ky. Admin. Regs. 20:040
- ME 01-001 CMR Ch. 206, § 4
- MN Minnesota Rules, part 1721.0130
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 005
- OH OAC 901:1-17-03
- OK Okla. Admin. Code 35:15-38-3
- OR OAR 603-011-0256
- TN Tenn. Comp. R. & Regs. 0080-02-01-.12
- VT Vt. Admin. Code 2-4-301:III
- WY WY Rules and Regulations LSTK GEN Ch. 8 s 14

■ Camelids: Camel, Alpaca, and Llama

- These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.

- Laws Potentially Impacted:

- AK 18 AAC 36.015
18 AAC 36.185
- AR Ark. Admin. Code 125.00.12
Ark. Admin. Code 125.00.14
- CO 2 CCR 406-0:007
- MS Miss. Admin. Code 2-101-2:12
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 004
Neb. Admin. R. & Regs. Tit. 23, Ch. 2,
§ 014
- PA 7 Pa. Code § 3a.3
- RI R.I. Admin. Code 25-3-27:1.6
- WA WAC 16-54-105
- WI Wis. Adm. Code § ATPC 10.85

■ Pigeon or “Squab”

- These states have limits on the number of pigeons or other varieties of columbidae that can be imported.

- Laws Potentially Impacted:

- NY 6 NYCRR 2.30
- VT Vt. Admin. Code 16-4-140:23

■ Kangaroo

- This state imposes special requirements on the importation of kangaroos and other marsupials. These regulations could be affected

only insomuch as kangaroos are farmed for food or other agricultural purposes.

- Laws Potentially Impacted:

- CA 14 CCR § 671

■ Reindeer

- These regulations prohibit the importation of reindeer. They are intended to prohibit the spread of disease and protect local cervid populations.

- Laws Potentially Impacted:

- LA La. Admin Code. tit. 76, Pt V, § 119

- MD COMAR 08.03.04.22

- MT Mont.Admin.R. 32.4.502

- VA 4 VAC 15-90-293

- WA WAC 220-640-020

■ Exotic Meats Generally

- These laws impose labeling or other packaging requirements on the sale of exotic meats. They are intended to increase transparency and regulatory oversight.

- Laws Potentially Impacted:

- OK Okla. Admin. Code 35:37-11-139
Okla. Admin. Code 35:37-11-6
Okla. Admin. Code 35:37-11-121
Okla. Admin. Code 35:37-11-119
Okla. Admin. Code 35:37-11-125

- VT Vt. Admin. Code 2-4-100:302.3
Vt. Admin. Code 2-4-100:318.1
Vt. Admin. Code 2-4-100:350.3

VIII. Companion Animals

- Chicks, Ducklings, and Rabbits

- Sale of Dyed Chicks, Ducklings, or Rabbits

- These laws prohibits the sale of live chicks that have been dyed from their natural color and are offered for sale as pets or novelties.
 - Laws Potentially Impacted:

- MD MD Code, Criminal Law, § 10-614

- WI W.S.A. 951.11

- Dogs and Cats

- Minimum Age at Sale

- These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 - Laws Potentially Impacted:

- AZ A.R.S. § 44-1799.04

- CA West's Ann. Cal. Penal Code § 597z
Cal. Health & Safety Code § 122045 -
122315

- CO C.R.S.A. § 35-80-108

- CT C.G.S.A. § 22-354

- FL F.S.A. §828.29

- GA Ga. Comp. R. & Regs. 40-13-13-.04(2)

- IL 225 I.L.C.S. § 605/2.2
- IN I.C. § 15-17-18-10
- KS KS ADC 9-25-12
- LA LSA-R.S. 3:2511
- ME 01-001 CMR Ch. 701, § I(N)
- MD MD Code, Criminal Law § 10-613
- MA M.G.L.A. 129 § 39G
330 CMR 12.05
- MI M.C.L. 287.335a
- MN M.S.A. § 347.59
- MO 2 CSR 30-9.020
- NE Neb. Rev. St. § 28-1018
- NV N.R.S. § 574.500
- NY McKinney's Agriculture and Markets Law § 402
- OH RC § 955.50
- OK Okla. Admin. Code 35:55-5-2
- PA 3 P.S. § 459-603
3 P.S. 459-214
- TX 16 TAC § 91.113
- UT U.A.C. R58-1-13(3)

■ VA Va. Code Ann. § 3.2-6510

■ WI W.S.A. 173.41

○ Lemon Laws

- These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.

○ Laws Potentially Impacted:

■ AK A.C.A. § 4-97-105

■ AZ A.R.S. § 44-1779.01(a)
A.R.S. § 44-1799.02(A)(1)-(3)
A.R.S. § 44-1799.02(4)(a)-(b)
A.R.S. § 44-1799.02(C)

■ CA CA HLTH & S § 122100
CA HLTH & S § 122050(a)
CA HLTH & S § 122050(a)(6)(A)(i-ii)
CA HLTH & S § 122190
CA HLTH & S § 122140(b)
CA HLTH & S § 122140(b)(6)(B)
CA HLTH & S § 122140(a)

■ CT C.G.S.A. § 22-344b(a)
C.G.S.A. § 22-344b(b)(2)
C.G.S.A. § 22-344d(a)
C.G.S.A. § 22-344d(b)
C.G.S.A. § 22-344d(c)

■ DE 6 Del.C. § 4002(a)(1)- (5)
6 Del.C. 4003(a)
6 Del.C. 4003(b)
6 Del.C. § 4009(a)

6 Del.C. § 4009(b)

6 Del.C. § 4011

- FL F.S.A. § 828.29(1)(b)
F.S.A. § 828.29(3)(c)
F.S.A. § 828.29(2)(b)
F.S.A. § 828.29(3)(a)-(b)
F.S.A. § 828.29(7)
F.S.A. § 828.29(12)
F.S.A. § 828.29(16)
- IL 225 ILCS 605/3.15(a-c)
225 ILCS 605/3.15(d)
225 ILCS 605/3.15(e)
- ME 7 M.R.S.A. § 4152(1)(A)((1-7))
7 M.R.S.A. § 4152(3)(C)
7 M.R.S.A. § 4152(1)(B)
7 M.R.S.A. § 4152(1)(C)
7 M.R.S.A. § 4152(1)(D)
7 M.R.S.A. § 4160(1)
7 M.R.S.A. § 4160(2)
7 M.R.S.A. § 4152-A
7 M.R.S.A. § 4155
- MD MD BUS REG§19-703(a)(2)
MD BUS REG §19-704(a)(1)
- MA 330 CMR §12.05(1)
330 CMR § 12.05(2)
330 CMR § 12.09(2)
- MN M.S.A. § 325F.791
- NE Neb. Rev. St. § 54-646 (1)
Neb. Rev. St. § 54-646 (3)
- NV N.R.S. § 574.450(1)
N.R.S. § 574.460(1)

N.R.S. § 574.470(1)

- NH N.H. Rev. St. § 437:10 (I)
- NJ N.J.S.A. Rev. St. § 56:8-95(b)
N.J.S.A. Rev. St. § 56:8-95(c)
N.J.S.A. § 56:8-95(d)
- NY NY GEN BUS § 753-a(1)
NY GEN BUS § 753-a(3)
NY GEN BUS § 753-b(1-2)
NY GEN BUS § 753-b(1-2)(i)
NY GEN BUS § 753-b(1-2)(ii)
NY GEN BUS § 753-c
- OR O.R.S. § 646A.075(2)
- PA 73 P.S. § 201-9.3(a)(2)(ii)
73 P.S. § 201-9.3(f)(1)
- RI Gen.Laws 1956, § 4-25-2
Gen.Laws 1956, § 4-25-3(a)
Gen.Laws 1956, § 4-25-9(c-d)
- SC Code 1976 § 47-13-160(A)
- VT 20 V.S.A. § 3921(c)
2-4 Vt. Code R. § 308:III-3
- VA Va. Code Ann. § 3.2-6511.1
Va. Code Ann. § 3.2-6512
Va. Code Ann. § 3.2-6512
Va. Code Ann. § 3.2-6515

- Sales Restrictions

- These laws prohibit pet stores from selling commercially raised dogs, cats, and rabbits within the state. They are intended to reduce overpopulation and reduce sourcing from large-scale breeding

facilities. Hundreds of municipalities and counties have imposed similar ordinances effective on local level.

- Laws Potentially Impacted:

- CA AB 485 (2017-2018)

- Distributor License

- These laws require that out-of-state entities apply for a permit prior to selling dogs and cats within the state. These laws are intended to ensure that dogs and cats are sourced from licensed producers and prevent producers with prior cruelty convictions from selling animals within the state.

- Laws Potentially Impacted:

- KS K.S.A. 47-1734

- Veterinary Inspection Requirements

- These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.

- Laws Potentially Impacted:

- AK 18 AAC 36.015
18 AAC 36.010

- AL Ala. Admin. Code r. 80-3-6-.22

- AR AR ST § 20-19-405

- CA CA HLTH & S § 121720

- DE 3 Del. Admin. Code 904-1.0

- FL FL ST § 828.29

- GA Ga. Comp. R. & Regs. 40-13-6-.04
Ga. Comp. R. & Regs. r. 40-13-2-.19

- ID IDAPA 02.04.21.500
- IL 8 Ill. Adm. Code § 25.47
- IN 345 IAC 1-3-21
- IA Iowa Admin. Code 21-65.10(163)
- KS Kan. Admin. Regs. § 9-7-2
Kan. Admin. Regs. § 9-18-5
- KY 302 Ky. Admin. Regs. 20:040
- ME 01-001 CMR Ch. 216
- MA MA ST 129 § 39G
- MN Minnesota Rules, part 1721.0130
Minnesota Rules, part 1721.0450
Minnesota Rules, part 1721.0500
- MS Miss. Admin. Code 02-101-212
- MO Mo. Code Regs. Ann. tit. 2, § 30-2.010
- NE Neb. Admin. R. & Regs. Tit. 23, Ch. 2 § 004
Neb. Admin. R. & Regs. Tit. 23, Ch. 2 § 009
- NM N.M. Admin. Code 21.32.4
- NY 1 NYCRR 65.2
- ND NDAC 48.1-13-01-01
- OH OAC 901:1-17-05
- OK Okla. Admin. Code 35:15-11-1
Okla. Admin. Code 35:15-11-17
- OR OAR 603-011-0255
- PA 7 PA ADC § 3.1
- SD SD ST § 40-14-3

- TN Tenn. Comp. R. & Regs. R. 0080-02-03-.1
 Tenn. Comp. R. & Regs. R. 0080-02-01-.05
 Tenn. Comp. R. & Regs. R. 0080-02-01-.06
 Tenn. Comp. R. & Regs. R. 0080-02-01-.07
 Tenn. Comp. R. & Regs. R. 0080-02-01-.08
 Tenn. Comp. R. & Regs. R. 0080-02-01-.09
 Tenn. Comp. R. & Regs. R. 0080-02-01-.10
 Tenn. Comp. R. & Regs. R. 0080-02-01-.12

- UT U.A.C. R58-1

- VA VA ST § 3.2-5902
 2 VA ADC 5-141-40
 2 VA ADC 5-141-80

- WA WA ST 16.36.140

 WAC 16-54-170

- WI Wis. Adm. Code § 10.06
 Wis. Adm. Code § 16.16
 Wis. Adm. Code § 10.80

IX. Products for Animals

- Pet Food
 - Content Requirements
 - Ingredients
 - These laws impose content requirements for pet food. Often they regulate the maximum or minimum amounts of crude protein, fat, fiber, and moisture that may go into a product. Others limit the types of ingredients that may be used, such as those regulations prohibiting the use of meat products that do not come from licensed processing plants subject to inspection.
 - Laws Potentially Impacted:
 - CA 17 CCR § 19030
 17 CCR § 19043
 17 CCR § 19010

- GA Ga. Comp. R. & Regs. 40-5-8-.02
- ID Idaho Admin. Code r. 02.06.02.475
- IL Ill. Admin. Code tit. 8, § 200.130
- IA Iowa Admin. Code 21-42.2(198)
- LA 7 La. Admin. Code Pt XVII, 127
- MA 330 Mass. Code Regs. 13.03
330 Mass. Code Regs. 13.06
- MI Mich. Admin. Code R 285.635.3
- MO Mo. Code Regs. Ann. tit. 2, § 70-31.020
- NY N.Y. Comp. Codes R. & Regs. tit. 1, §
257.17
- NC 2 N.C. Admin. Code 9D.0102
- OH Ohio Admin. Code 901:5-7-19
- TN Tenn. Comp. R. & Regs. 0080-05-05-.13
- TX 4 Tex. Admin. Code § 63.2
- VT 2-3 Vt. Code R. § 100

- Horsemeat in Pet Food

- These regulations govern the importation of horsemeat to be used in pet food products, generally imposing sanitation and certification of origin requirements.
 - Laws Potentially Impacted:

- CA 3 CCR § 1180.4

- Maximum Levels of Dangerous Chemicals

- These regulations set maximum allowable levels for harmful chemicals such as arsenic and lead that may be contained in pet food sold within the state.
 - Laws Potentially Impacted:

- CA 17 CCR § 19040

- Processing Requirements

- Removal of Ferrous Material

- These regulations require pet food producers selling products within the state to employ the use of a magnet to remove pieces of metal and other ferrous material during the manufacturing process.
 - Laws Potentially Impacted:

- CA Cal. Code Regs. tit. 17, § 19035

- Use of Additives

- These regulations impose restrictions on additives such as artificial coloring and require that additives be proven harmless to pets if the manufacturer includes them in pet food products sold within the state.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-5-8-.06

- Sanitation Requirements

- These regulations impose cleaning requirements on pet food sold within the state. They are intended to prevent the sale of food containing harmful bacteria or disease.

- Laws Potentially Impacted:

- CA Cal. Code Regs. tit. 17, § 19030

- Safe Handling Requirements

- These regulations impose safe handling requirements on pet food products containing raw meat that are sold within the state.

- Laws Potentially Impacted:

- CO 8 CCR 1202-7:3

- Labeling

- Nutritional Labeling

- These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.

- Laws Potentially Impacted:

- CA 17 CCR § 19025

- GA Ga. Comp. R. & Regs. 40-5-8-.02

- ID Idaho Admin. Code r. 02.06.02.475

- IL Ill. Admin. Code tit. 8, § 200.130

- IA Iowa Admin. Code 21-42.2(198)

- LA 7 La. Admin. Code Pt XVII, 127

- MI Mich. Admin. Code R 285.635.3

- MO Mo. Code Regs. Ann. tit. 2, § 70-31.020

- NY N.Y. Comp. Codes R. & Regs. tit. 1, §

257.17

- NC 2 N.C. Admin. Code 9D.0102
- OH Ohio Admin. Code 901:5-7-19
- TN Tenn. Comp. R. & Regs. 0080-05-05-.13
- TX 4 Tex. Admin. Code § 63.2
- UT Utah Admin. Code r. R68-2
- VT 2-3 Vt. Code R. § 100

■ Nutritional Claims

- These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-5-8-.02
- ID Idaho Admin. Code r. 02.06.02.475
- IL Ill. Admin. Code tit. 8, § 200.130
- IA Iowa Admin. Code 21-42.2(198)
- LA 7 La. Admin. Code Pt XVII, 127
- MA 330 Mass. Code Regs. 13.03
- MO Mo. Code Regs. Ann. tit. 2, § 70-31.020
- NY N.Y. Comp. Codes R. & Regs. tit. 1, § 257.17

- NC 2 N.C. Admin. Code 9D.0102
- PA 7 Pa. Code § 72.11
- TN Tenn. Comp. R. & Regs. 0080-05-05-.13
- TX 4 Tex. Admin. Code § 63.2
- UT Utah Admin. Code r. R68-2
- VT 2-3 Vt. Code R. § 100

■ Flavor Labeling

- These regulations govern flavor designation and labeling on pet food packaging.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-5-8-.03
- IA Iowa Admin. Code r. 21-42.3(198)
- IL Ill. Admin. Code tit. 8, § 200.140
- LA 7 La. Admin. Code Pt XVII, 129
- ME Code Me. R. tit. 01-001 Ch. 312,, § 3
- MD Md. Code Regs. 15.18.09.05
- MA 330 Mass. Code Regs. 13.04
- MI Mich. Admin. Code R 285.635.4
- MO Mo. Code Regs. Ann. tit. 2, § 70-31.030
- NY N.Y. Comp. Codes R. & Regs. tit. 1, §

257.18

- NC 2 N.C. Admin. Code 9D.0103
- OH Ohio Admin. Code 901:5-7-18
- PA 7 Pa. Code § 72.6
- RI 250 R.I. Code R. 40-20-5.15
- TN Tenn. Comp. R. & Regs. 0080-05-05-.14
- TX 4 Tex. Admin. Code § 63.3
- VT Vt. Admin. Code 2-3-100:III

- Licensing

- Requirements of Manufacturers

- These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 - Laws Potentially Impacted:

- AL Ala.Code § 2-21-19
Ala. Code § 2-21-24
 - AZ Ariz. Rev. Stat. Ann. § 3-2609
 - AR Ark. Code Ann. § 2-37-104
 - CA Cal. Food & Agric. Code § 19260
17 CCR § 19020
17 CCR § 19041
 - GA Ga. Code Ann., § 2-13-6
 - IL 505 Ill. Comp. Stat. Ann. 30/4
 - IN Ind. Code Ann. § 15-19-7-24

- IA Iowa Code Ann. § 198.4
Iowa Code Ann. § 198.9
- ME Me. Rev. Stat. tit. 7, § 714
- MN Minn. Stat. Ann. § 25.39
- MO Mo. Ann. Stat. § 266.165
- MT Mont. Code Ann. § 80-9-201
- NE Neb. Rev. Stat. Ann. § 54-850
- NV Nev. Rev. Stat. Ann. § 587.865
- NH N.H. Rev. Stat. Ann. § 435:20
- NJ N.J. Stat. Ann. § 4:4-20.4
- NY N.Y. Agric. & Mkts. Law § 129
- NC N.C. Gen. Stat. Ann. § 106-284.34
- ND N.D. Cent. Code Ann. § 4.1-41-05
- OK 2 Okl. St. Ann. § 8-41.4
- OR Or. Rev. Stat. Ann. § 633.015
Or. Rev. Stat. Ann. § 633.029
- PA 3 Pa. Stat. and Cons. Stat. Ann. § 5103
- RI 4 R.I. Gen. Laws Ann. § 4-2-4
- SC S.C. Code Ann. § 46-27-210
S.C. Code Ann. § 46-27-840
- SD S.D. Codified Laws § 39-14-40.1

S.D. Codified Laws § 40-17-1

S.D. Codified Laws § 40-17-4

- TN Tenn. Code Ann. § 44-6-104
- TX Tex. Agric. Code Ann. § 141.02
- WA Wash. Rev. Code Ann. § 15.53.9014
- WV W. Va. Code Ann. § 19-14-5
- WY Wyo. Stat. Ann. § 11-13-105

- Raw Milk as Pet Food

- Packaging

- These laws govern the packaging of raw milk products sold as pet food. They are intended to reduce human consumption of unpasteurized milk and prevent use of the so-called “moo-nshine loophole” whereby raw milk is sold interstate as pet food.
 - Laws Potentially Impacted:

- MD COMAR 15.18.09.13

- NM N.M. Admin. Code 21.18.3

- Labeling

- These laws require certain labels on raw milk sold as pet food. Most commonly, they require the following warning: “May Contain Harmful Bacteria.”
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-5-8-.02

- OH Ohio Admin. Code 901:5-7-17

- MD Md. Code Regs. 15.18.09.04

- Commercial Feed

- Labeling of Commercial Feed

- These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.

- Laws Potentially Impacted:

- AR A.R.S. § 3-2610

- IN IC 15-19-7-26
IC 15-19-7-27

- MO V.A.M.S. 266.170

- PA 3 Pa.C.S.A. § 5104

- TX V.T.C.A., Agriculture Code § 141.051
V.T.C.A., Agriculture Code § 141.052
V.T.C.A., Agriculture Code § 141.053
V.T.C.A., Agriculture Code § 141.054

- UT U.C.A. 1953 § 4-12-5

- VT 6 V.S.A. § 325

- VA VA Code Ann. § 3.2-4806

- VT 6 V.S.A. § 325

- WV W. Va. Code, § 19-14-8
W. Va. Code St. R. § 61-5-7

- WY W.S.1977 § 11-13-103

- Content Requirements for Commercial Feed

- These laws regulate the content of commercial feed to ensure that it meets nutritional requirements and is free of harmful materials and biological residues. They are intended to ensure that commercial feed is wholesome and safe for the animals that consume it.
 - Laws Potentially Impacted:

- NC N.C.G.S.A. § 106-549.84

- Prohibited Foods

- Feeding Garbage to Swine

- Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
 - Laws Potentially Impacted:

- AK 18 AAC 36.145
- GA Ga. Comp. R. & Regs. 40-13-2-.08
- HI Haw. Admin. Rules (HAR) § 4-17-7
- ID IDAPA 02.04.21.400
- KY 302 Ky. Admin. Regs. 20:040
- ME 01-001 CMR Ch. 206, § 4
- MS Miss. Admin. Code 2-101-2:12
- MT Mont.Admin.R. 32.3.219

- NH N.H. Code Admin. R. Agr 2110.01
- NM N.M. Admin. Code 21.32.4
- NC 2 NCAC 52B.0207
- OH R.C. § 942.05
OAC 901:1-17-12
- OR OAR 603-011-0310
- PA 7 Pa. Code § 3.133
- TX 4 TAC § 51.14
- UT U.A.C. R58-1
- WI Wis. Adm. Code § ATPC 10.30
- WV W. Va. Code St. R. § 61-1A-3
- WY WY Rules and Regs. LSTK GEN Ch. 8 § 21

X. Dead Animals and Animal Parts

- Dog and Cat Meat

- Prohibition

- These laws impose prohibit the sale of companion animals for human consumption or otherwise prohibit human consumption of dog and cat meat.
 - Laws Potentially Impacted:

- CA West's Ann.Cal.Penal Code § 598b

- GA Ga. Code Ann., § 26-2-160
- MS Miss. Code Ann. § 97-27-19
- NJ NJ ST 4:22-26
- NY McKinney's Agriculture and Markets
Law § 96-e

● Animal Carcasses and Grease

- Transport Requirements: Use of a Leakproof Container
 - These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.
 - Laws Potentially Impacted:
 - CA 3 CCR § 1180.17
3 CCR § 1180.15
 - FL Rule 5C-23.003, F.A.C.
 - ID IDAPA 02.04.17.040
 - MI Mich. Admin. Code R. 287.653
 - MN M.S.A. § 35.82
 - MT MCA 81-9-315
 - NE Neb. Admin. R. & Regs. Tit. 23, Ch. 10,
§ 005
 - PA 3 Pa.C.S.A. § 2352
 - SD ARSD 12:68:09:05
SDCL § 40-17-7
 - TX V.T.C.A., Health & Safety Code §

- WI Wis. Adm. Code § ATP 57.20

● Animals That Died Other Than by Slaughter

■ Prohibition or Permitting

- These laws impose import restrictions on certain types of dead domestic animals. Some require that no domestic animal carcass can be imported or sold within the state if the animal in question died other than by slaughter—except as authorized by a special permit awarded by the state. These laws are intended to limit risks to public health.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-13-5-.06

- MN M.S.A. § 35.82

- PA 3 Pa.C.S.A. § 2352
7 Pa. Code § 17.36

● Cattle Hides

■ Import

- These laws impose requirements on cattle hides imported into the state to ensure that they are free from cattle fever ticks. Some require that green hides be salted and cured for a minimum of a week prior to entry. Their intent is to protect local livestock populations from fever ticks that may be traveling on hides.
 - Laws Potentially Impacted:

- FL Rule 5C-9.006, F.A.C.

- TX 4 TAC § 41.7

- Shark Fins

- Possession or Sale

- These laws prohibit the sale of shark fins for human consumption or the possession of a detached shark fin within the state. (It should be noted that sharks are a class of fish and, as a result, are likely to be considered an agricultural product within the meaning of PICA).

- Laws Potentially Impacted:

- CA West's Ann.Cal.Fish & G.Code § 2021

- HI HRS § 188-40.7

- IL 515 ILCS 5/5-30

- OR O.R.S. § 498.257

- RI Gen.Laws 1956, § 20-1-29

- TX V.T.C.A., Parks & Wildlife Code § 66.2161

- WA RCWA 77.15.770

- Alligator Meat and Hides

- Tagging and Licensing Requirements

- These laws impose tagging, permitting, or other licensing requirements on anyone manufacturing or selling alligator hides or meat within the state. Some require documentation from the state of origin. They seek to increase oversight of the alligator farming industry and cut down on the amount of illegal sales and poaching.

- Laws Potentially Impacted:

- FL West's F.S.A. § 379.3751

- GA Ga. Comp. R. & Regs. 391-4-13-.03
GA ST § 27-3-19
- LA LSA-R.S. 56:255

- Fur

- Fur Labeling

- These laws regulate the labeling of real and faux fur and extend beyond what is required federally. They are intended to increase transparency and reduce misrepresentation.
 - Laws Potentially Impacted:

- DE Del. Code Ann. tit. 6, § 2508
 - MA Mass. Gen. Laws Ann. ch. 94, § 277A
Mass. Gen. Laws Ann. ch. 266, § 79
 - NY McKinney's General Business Law § 399-aaa

- Fur Licensing

- These regulations impose licensing requirements on producers of fur products prior to selling their goods for retail. Some include sourcing restrictions on producers seeking a license.
 - Laws Potentially Impacted:

- CA 14 CCR § 696

- Dog and Cat Fur

- These regulations extend beyond the federal ban and impose additional certification or other requirements to prevent the sale of fur products made from domestic dogs and cats or the importation of such animals for this use.
 - Laws Potentially Impacted:

- CA West's Ann.Cal.Penal Code § 598a

XI. Invasive Pests, Plants, and Disease

- Ash Trees

- Emerald Ash Borer

- The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-20-.05
 - AR Ark. Admin.Code 209.02
 - CO 8 CCR 1203-24:3.0
 - CT Regs. Conn. State Agencies § 22-84-5g
 - FL Rule 5B-3.0038, F.A.C.
Fla. Admin. Code Ann. r. 5B-65.005
 - IL 8 Ill. Adm. Code 240.125
 - IN 312 Ind. Admin. Code 8-1-3
 - IA Iowa Admin.Code 21-46.15 (177A)
 - GA Ga. Comp. R. & Regs. 224-3-.03
Ga. Comp. R. & Regs. 40-4-25-.01
Ga. Comp. R. & Regs. 40-4-25-.03
 - LA La. Admin Code. tit. 7, Pt XV, § 167
 - MA 12 M.R.S.A. § 8306

- MN Authority Pursuant to Minnesota Statute 18G.06, subd. 4 (2010)
See: <http://www.mda.state.mn.us/plants/pestmanagement/eab/eabquarantine.aspx>
- MS Miss. Admin. Code 2-1-3:01
- NH N.H. Code Admin. R. Agr 3802.01
- NY 6 NYCRR 575.3
- OK Okla. Admin. Code 35:30-6-3
- OR OAR 603-052-1080
- RI RI ST § 2-17-23
- TN Tenn. Comp. R. & Regs. 0080-06-10-.03
- UT U.A.C. R68-23
- VT 16-6 Vt. Code R. § 204
- VA 4 VAC 5-30-410
- WI Wis. Adm. Code § ATCP 21.17

● Boxwood Trees

■ Boxwood Blight

- These laws regulate boxwood blight and impose quarantine restrictions to prohibit the movement of untreated plants carrying the disease into the state. They are intended to protect local plants from this fungal disease.
 - Laws Potentially Impacted:

- TN Tenn. Comp. R. & Regs. 0080-06-07-.01

● Citrus Trees

■ Root Weevil

- These laws place a quarantine on citrus plants and others that may have been exposed to root weevils or originate in areas where root

weevils are present. They are intended to protect local citrus plants and crops.

- Laws Potentially Impacted:

- TX 4 TAC § 19.162

- Citrus Aphid

- These laws restrict the importation of citrus plants that may be carrying citrus aphids in order to protect local plants and production.

- Laws Potentially Impacted:

- AR A.A.C. R3-4-242

- AL Ala. Admin. Code r. 80-10-19-.01

- Citrus Greening Disease and the Asian Citrus Psyllid

- These laws impose quarantine requirements or other conditions on importation of nursery stock or other plants that may be carrying the psyllid or other vectors of the pathogen that causes citrus greening disease. The disease destroys the quality and production of citrus trees. Infected plants ultimately die. These laws are imposed in addition to federal requirements in order to protect local citrus producers and native tree populations.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-19-.05
Ala. Admin. Code r. 80-10-19-.07

- FL Rule 5B-3.0038, F.A.C

- LA La. Admin Code. tit. 7, Pt XV, §127
La. Admin Code. tit. 7, Pt XV, § 123

- SC S.C. Code of Regulations R. 27-137

- TX 4 TAC § 19.617
4 TAC § 19.618

- Citrus Budwood

- Importing Out-of-State Citrus Budwood

- These laws impose conditions on the movement of out-of-state budwood across state lines. They are intended to protect against various diseases, especially those affecting citrus, and to prevent their transmission into the state.

- Laws Potentially Impacted:

- LA La. Admin Code. tit. 7, Pt XV, §127

- TX 4 TAC § 21.40

- Peaches and Stone Fruits

- Peach Yellows, Little Peach, or Red Suture Disease

- These laws impose quarantines or import certification requirements on stone fruits (cherries, peaches, plums, nectarines, apricots, and almonds) and the plants that produce them. They are intended to limit the spread of pathogens causing these diseases that can damage production or decrease yield.

- Laws Potentially Impacted:

- CA 3 CCR § 3259

- Peach, Plum, Apricot, Nectarine, and Almond Trees

- Phony Peach Disease

- These laws impose quarantines or other import restrictions on plants or plant products that have been known to carry *Xylella fastidiosa*, the bacteria that causes phony peach disease. These regulations are intended to protect local fruit tree stocks and limit the spread of the disease that stops infected trees from bearing fruit.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-7-.04
 Ala. Admin. Code r. 80-10-7-.05

- AR Ark. Admin. Code 209.02.1-VIII

- LA La. Admin Code. tit. 7, Pt XV, § 129
La. Admin Code. tit. 7, Pt XV, § 123
- GA Ga. Comp. R. & Regs. 40-4-13-.01
Ga. Comp. R. & Regs. 40-4-13-.05
- MS Miss. Admin. Code 2-1-3:01
- SC S.C. Code of Regulations R. 27-83

● Dogwood Trees

■ Dogwood Anthracnose

- These laws restrict the importation of host plants that may be carriers of dogwood anthracnose or those that originate in infested areas in order to limit the spread of the disease.
 - Laws Potentially Impacted:

- FL Rule 5B-55.006, F.A.C.

● Hemlock Trees

■ Woolly Adelgid

- The hemlock woolly adelgid is an aphid-like insect that depletes the food source in hemlocks, leading to their death and disturbance of the hemlock-based ecosystem. These laws prohibit the possession, importation, or transport of this invasive species.
 - Laws Potentially Impacted:

- NH N.H. Code Admin. R. Agr 3802.01
- NY 6 NYCRR 575.3
- OH OAC 901:5-48-04

● Oak Trees

■ Oak Wilt

- These laws impose quarantines or restrictions on products and nursery stock that may be carrying *Ceratocystis fagacearum*, the fungus responsible for oak wilt. Some require wood be treated prior to entry

in order to ensure it does not spread the fungus. Oak wilt is an infectious disease that leads to the death of a variety of types of oak trees by disabling the tree's ability to conduct water. These regulations seek to protect local trees and curb the spread of the infection.

- Laws Potentially Impacted:

- AR Ark. Admin. Code 209.02.1-I
- CA 3 CCR § 3251
- FL Rule 5B-26.007, F.A.C.
- LA La. Admin Code. tit. 7, Pt XV, § 123
- MS Miss. Admin. Code 2-1-3:01

- Oak, Aspen, and Other Species of Tree

- Gypsy Moth

- These regulations declare gypsy moths to be a pest. They are intended to supplement federal standards and provide for additional quarantines on plant imports or further prohibit the importation of regulated articles in order to contain the moths' spread. Gypsy moths affect hundreds of different plant species and cause the defoliation of millions of acres annually. These regulations seek to protect local plant populations.

- Laws Potentially Impacted:

- AR Ark. Admin. Code 209.02.1-VIII
- CA 3 CCR § 3591.6
- IA Iowa Admin. Code 21-46.15(177A)
- MS Miss. Admin. Code 2-1-3:01
- NH N.H. Code Admin. R. Agr 3802.01
- NC 2 NCAC 48A.1502
- OH OAC 901:5-52-03

- TX 4 TAC § 19.80
- VA 2 VAC 5-330-30
2 VAC 5-330-20
- WI Wis. Admin. Code ATP § 21.10
- WA WAC 16-470-030

● Palms

○ Date Palm and Coconut Palm

■ Lethal Yellowing

- These laws impose quarantines and other conditions on the importation of palms that may have been exposed to lethal yellowing disease. They are intended to protect against the spread of the disease to local trees.
 - Laws Potentially Impacted:

- CA 3 CCR § 3282
- LA La. Admin Code. tit. 7, Pt XV, § 123
- TX 4 TAC § 19.50
4 TAC § 19.60

○ Red Palm

■ Mites

- These laws impose quarantines and other conditions on the importation of palms that may have been exposed to red palm mites. They are intended to protect against the spread of the disease to local trees.
 - Laws Potentially Impacted:

- TX 4 TAC § 19.600

- Pecans and Other Nut Trees

- Pecan Weevil

- These laws impose quarantine restrictions to limit the spread of pecan weevils and require that imported nuts and nut trees be dipped at a high temperature prior to entry in order to kill any weevils. These regulations are intended to protect local pecan trees.

- Laws Potentially Impacted:

- AR A.A.C. R3-4-231

- NM N.M. Admin. Code 21.17.28

- TX 4 TAC § 19.123
 4 TAC § 19.120

- Pine Trees

- Mountain Pine Beetle

- These laws impose quarantines or other restrictions on the importation of wood products that may be carrying the mountain pine beetle, a small, destructive insect that degrades the quality of lumber and destroys trees. These laws are intended to contain its spread and protect local forests.

- Laws Potentially Impacted:

- MN Authority pursuant to Minnesota Statute
 18G.06, subd. 4 (2010)
 See:[http://www.mda.state.mn.us/plants/insects/
mpb/mpbquarantine.aspx](http://www.mda.state.mn.us/plants/insects/mpb/mpbquarantine.aspx)

- WI Wis. Adm. Code § ATCP 21.22
 ATCP 21–Clearinghouse Rule #16-032

- Pine Shoot Beetle

- The pine shoot beetle attacks new shoots of pine trees, stunting their growth, and causing their death in areas of high concentration. These laws supplement federal law and establish additional quarantine requirements, prohibit the importation of regulated articles, or otherwise require inspection of regulated articles prior to import.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-15-.01
Ala. Admin. Code r. 80-10-15-.03
Ala. Admin. Code r. 80-10-15-.04
Ala. Admin. Code r. 80-10-15-.06
- TN Tenn. Comp. R. & Regs. 0080-06-20-.04
- TX 4 TAC § 19.90
- VA 2 VAC 5-325-20

- White Pines

- White Pine Blister Rust

- These regulations prohibit or restrict the importation of plant host species known to carry the pathogen that causes white pine blister rust. They are intended to restrict the spread of the disease that has caused the death of large numbers of white pines and other species of trees. (See also “Black Currant”).
 - Laws Potentially Impacted:

- MD COMAR 15.06.02.12
- MA 330 CMR 9.03
- NJ N.J.A.C. 2:20–2.2
- OH OAC 901:5-43-01
- RI R.I. Admin. Code 25-3-23:2.1
- VA 2 VAC 5-450-40

- Walnut Trees

- Thousand Cankers Disease

- These laws impose a quarantine or other restrictions on the importation of products that may be carrying thousand cankers disease. They are intended to contain the spread of the disease and protect local trees.

- Laws Potentially Impacted:
 - IL Authority pursuant to 505 Illinois Compiled Statutes 90/1 et.seq. Proclamation, put forth by the Governor, dated February 1, 2012
 - IN 312 IAC 18-3-24
 - IA Iowa Admin. Code 21-46.15(177A)
 - MD COMAR 15.06.02.12
 - MN Authority pursuant to Minnesota Statute 18G.06, subd. 4 (2010) No. RF-1722
 - MO 2 Mo. Code of State Regulations 70-11.060
 - NY 6 NYCRR 575.3
 - OH OAC 901:5-58-03
 - OK Okla. Admin. Code 35:30-4-1
 - TN Tenn. Comp. R. & Regs. 0080-06-11-.01
 - VA 2 VAC 5-318-120
2 VAC 5-318-40
 - WI Wis. Adm. Code § ATCP 21.21
Wis. Adm. Code § NR 40.04

- Trees Generally

- Asian Longhorned Beetle

- Asian longhorned beetle larvae consume vast quantities of wood in the trunks of trees and the adults eat the leaf buds, leading to a death rate among infected trees of roughly 30 percent. These laws supplement federal laws and establish additional quarantines, prohibit the importation of regulated articles, or otherwise regulate articles that may be carrying the pest.

- Laws Potentially Impacted:

- IA Iowa Admin. Code 21-46.15(177A)
- NH N.H. Code Admin. R. Agr 3802.01
- NY 6 NYCRR 575.3
1 NYCRR 139.3
- OH OAC 901:5-57-03
- WI Wis. Adm. Code § ATP 21.18

- Blueberries and Huckleberries

- Blueberry Scorch Virus

- These laws impose quarantines on blueberries or huckleberries that may have been exposed to the blueberry scorch virus. They are intended to protect local berry producers.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-4-24-.04
- MS Miss. Admin. Code 2-1-3:01

- Blueberry Maggots

- These laws restrict the importation of plants that may be carrying blueberry maggots, which infest and degrade the quality of fruit.
 - Laws Potentially Impacted:

- CA 3 CCR § 3266

- Black currant

- White Pine Blister Rust

- Although black currants themselves are not a plant pest, the plant is the vector for white pine blister rust, which is deadly to pine trees. These laws make the possession, import, or transportation of black currants illegal or otherwise establish quarantines of these plants.

- Laws Potentially Impacted:

- MD COMAR 15.06.02.12
- MA 330 CMR 9.02
330 CMR 9.03
- NJ N.J.A.C. 2:20–2.2
- NY 6 NYCRR 192.1
- OH OAC 901:5-43-01
- RI R.I. Admin. Code 25-3-23:2.1
- VA 2 VAC 5-450-40

- Figs

- Standards for Sale

- These laws impose quality control conditions on the sale of figs in order to ensure that they are fit for consumption. These regulations are intended to protect consumers, establish standards of production, and ensure that the fruits are not suffering from endosepsis, a fungus caused by fig wasps.

- Laws Potentially Impacted:

- CA West's Ann.Cal.Food & Agric.Code § 6157
West's Ann.Cal.Food & Agric.Code § 6156
West's Ann.Cal.Food & Agric.Code § 6152

- Grapes

- Pierce's Disease and the Glassy-Winged Sharpshooter

- These laws impose restrictions on plants that may be carrying the glassy-winged sharpshooter, the insect responsible for Pierce's disease. They are intended to protect local grape crops and the wine industry by preventing the movement of untreated or high-risk shipments of grapes or other carriers.

- Laws Potentially Impacted:

- CA 3 CCR § 3654
3 CCR § 3655
West's Ann.Cal.Food & Agric.Code § 6047.1
West's Ann.Cal.Food & Agric.Code § 6461.5
West's Ann.Cal.Food & Agric.Code § 6401
West's Ann.Cal.Food & Agric.Code § 6045
West's Ann.Cal.Food & Agric.Code § 6047.60
- OR OAR 603-052-1221

- Lettuce

- Lettuce Mosaic Virus

- These laws place conditions on the movement and importation of lettuce in order to limit the spread of the lettuce mosaic virus and protect local producers. Others require that lettuce seeds sold within the state be indexed for lettuce mosaic virus.
 - Laws Potentially Impacted:

- AR A.A.C. R3-4-233
- AZ A.A.C. R3-4-233
- FL Rule 5B-38.004, F.A.C.
Rule 5B-38.006, F.A.C.

- Potatoes and Tomatoes

- Nematodes

- These laws place restrictions on the importation of products that may be carrying parasitic nematodes. Nematodes cause vast amounts of damage to a wide variety of crops, especially potatoes and tomatoes. Plants and plant products imported into a state must be inspected for nematodes and quarantined under these laws.

- Laws Potentially Impacted:

- AR Ark. Admin. Code 209.02.1-VIII
- CA 3 CCR § 3271
- FL Rule 5B-3.0038, F.A.C.
- KS K.A.R. 4-15-10
- NY 1 NYCRR 127.5
- TX 4 TAC § 19.20
4 TAC § 19.22
4 TAC § 19.23

- Sweet Potatoes

- Sweet Potato Weevils

- These laws impose quarantines or other import conditions on the interstate movement of sweet potatoes or other host materials. They are intended to protect local crops from the pests that render infested crops bitter, odiferous, and inedible.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 209.02.1-VI
- CA 3 CCR § 3257
- LA La. Admin Code. tit. 7, Pt XV, § 133
La. Admin Code. tit. 7, Pt XV, § 123
- MS Miss. Admin. Code 2-1-3:01
Miss. Code Ann. § 69-25-23
- NC 2 NCAC 48A.0903
- SC S.C. Code of Regulations R. 27-61
- TX 4 TAC § 19.133

- Soybeans and Green Beans

- Kudzu Bugs

- These laws prohibit the importation of agricultural articles that may be carrying Asian kudzu bugs, a type of stink bug that is detrimental to the environment and feeds on soybeans and green bean crops. These regulations act to limit their spread.
 - Laws Potentially Impacted:

- ID IDAPA 02.06.09.101
IDAPA 02.06.09.806

- Corn, Sorghum, and Grains

- Corn Borer

- These laws impose quarantines on corn, sorghum, grain, beans, beets, peppers, and other crops that originated in states affected by corn borers. They are intended to limit the spread of food-destroying pests.
 - Laws Potentially Impacted:

- CA 3 CCR § 3263

- TX 4 TAC § 19.110
4 TAC § 19.112
4 TAC § 19.113

- Soybeans, Rice, and Grains

- Khapra Beetle

- These laws restrict the importation of products that may be carrying the khapra beetle, a destructive insect that destroys grains and other foods. They are intended to limit the spread of the invasive beetle and protect local crops from damage.
 - Laws Potentially Impacted:

- AR Ark. Admin. Code 209.02.1-I

- IA Iowa Admin. Code 21-46.15(177A)

- NJ N.J.A.C. 2:20–6.1

- Rice

- Bakanae Disease

- These laws impose import restrictions or quarantines on products that may be carrying the fungus *Gibberella fujikuroi*. The fungus causes rice plants to stop producing edible grains. These regulations seek to limit the spread of disease and protect local production.
 - Laws Potentially Impacted:
 - AR Ark. Admin. Code 209.02.1-VIII
 - MO 2 Mo. Code of State Regulations 70-11.040
 - MS Miss. Admin. Code 2-1-3:01

- Cotton

- Boll Weevil and Pink Bollworm

- The boll weevil and pink bollworm are both insects that feed on cotton buds and seeds and led to the devastation of the cotton industry in the 1920's. These laws are intended to supplement federal regulations. They impose quarantines, restrict movement of products, and establish programs to treat all infected cotton with pesticides.
 - Laws Potentially Impacted:
 - AL AL ST § 2-19-129
 - AR Ark. Admin. Code 209.02.10-IX
 - GA Ga. Comp. R. & Regs. 40-24-1-.08
 - FL Rule 5B-52.003, F.A.C.
Rule 5B-52.011, F.A.C.
 - KY KY ST § 247.6054
 - LA La. Admin Code. tit. 7, Pt XV, § 305

La. Admin Code. tit. 7, Pt XV, § 153
La. Admin Code. tit. 7, Pt XV, § 123

- MO 2 Mo. Code of State Regulations
70-13.025
- MS MS ST § 69-37-33
Miss. Admin. Code 2-1-3:01
- NM N.M. Admin. Code 21.17.42
- NC NC ST § 106-65.78
- OK Okla. Admin. Code 35:30-14-2
- SC SC ST § 46-10-100
S.C. Code of Regulations R. 27-1099
- TN Tenn. Comp. R. & Regs. 0080-06-22-.03
- TX 4 TAC § 20.16
- VA 2 VAC 5-440-30

- Produce Generally

- Fruit Flies

- Most of these laws require a certification of inspection or treatment for fruit flies prior to importing produce into the state for sale. They apply to various species of fruit fly and are intended to limit the spread of these insects.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-19-.01
 - AR A.A.C. R3-4-238
 - CA 3 CCR § 3252
3 CCR § 3256
 - FL Rule 5B-3.0035, F.A.C.

- GA Ga. Comp. R. & Regs. 40-4-7-.06
- TX 4 TAC § 19.175
 4 TAC § 19.153
 4 TAC § 19.43
 4 TAC § 19.504

● Vegetables

■ Certification of Vegetables

- These laws require all vegetable plants shipped into the state to be accompanied by an authorized certificate from the originating state. The certificate must declare the plants appear to be free from injurious insects, pests, or plant diseases, and that said vegetable plants were properly treated during their growing season to prevent the establishment of injurious insects, pests or plant diseases. They are intended to protect native plants and in-state consumer interests.
 - Laws Potentially Impacted:

- GA Ga. Comp. R. & Regs. 40-4-7-.05
- NY 1 CRR-NY 133.4

● Various Other Plants

■ European Brown Garden Snails

- The European brown garden snail is a plant feeder that is very destructive to host plants and readily transported on infested nursery stock. These laws impose restrictions such as inspection requirements, fumigation, quarantines, or bans of infected or potentially infected plants.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-8-.04
 Ala. Admin. Code r. 80-10-8-.03
 Ala. Admin. Code r. 80-10-8-.06
- AR Ark. Admin. Code 209.02.1-VII

- CA 14 CCR § 671
- FL Rule 5B-43.003, F.A.C.
Rule 5B-67.004, F.A.C.
Rule 5B-43.005, F.A.C.
Rule 5B-3.0038, F.A.C.
- LA La. Admin Code. tit. 7, Pt XV, § 131
- MS Miss. Admin. Code 2-1-3:01
- SC S.C. Code of Regulations R. 27-5020
- TN Tenn. Comp. R. & Regs. 0080-06-12-.04
Tenn. Comp. R. & Regs. 0080-06-12-.01
- TX 4 TAC § 19.73
4 TAC § 19.70
- NY 6 NYCRR 575.3

■ Fire Ants

- Fire ants cause damage to both agricultural crops and nursery stock. They spread through soil, manure, on the roots of nursery stock, and on earth-moving equipment, principally in the South. These laws require inspections, certifications, and quarantines of soil, nursery stock, equipment, etc. to prevent the spread of this disease.
 - Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-6-.01
Ala. Admin. Code r. 80-10-6-.03
- AR Ark. Admin. Code 209.02.1-VIII
- NC 2 NCAC 48A.0702
- OK Okla. Admin. Code 35:30-13-9
- SC S.C. Code of Regulations R. 27-121
S.C. Code of Regulations R. 27-124
- TN Tenn. Comp. R. & Regs. 0080-06-19-.04
Tenn. Comp. R. & Regs. 0080-06-19-.01

- TX 4 TAC § 19.102
- VA 2 VAC 5-315-40
2 VAC 5-315-60

● Nursery Imports Generally

■ Labeling, Testing, and Other Requirements

- These laws require shipments of plants or plant seeds entering the state to be properly labeled with information about the producer as well as about where the plants were grown. Some require disease testing information to be included as well.
 - Laws Potentially Impacted:

- AL Ala.Code 1975 § 2-25-40
Ala.Code 1975 § 2-25-42
- AZ A.R.S. § 3-211
- CA West's Ann.Cal.Food & Agric.Code § 6421
3 CCR § 3864
- CO 8 CCR 1203-6:6
8 CCR 1203-6:13
8 CCR 1203-6:15
8 CCR 1203-6:3
- FL Rule 5B-3.0038, F.A.C.
- IL 8 Ill. Adm. Code 230.40
505 ILCS 90/11
- MN M.S.A. § 21.83
M.S.A. § 21.84
M.S.A. § 21.82
- NE Neb.Rev.St. § 2-10,106
- NY McKinney's Agriculture and Markets Law § 168

- PA 3 P.S. § 258.17

● Other Invasive Pests

■ Miscellaneous

- These laws impose quarantines or other restrictions on plants and agricultural products that may have been exposed to certain pests or diseases not covered elsewhere in this table. They include varieties of ants, nematodes, and fungal blights.

- Laws Potentially Impacted:

- CA 3 CCR § 3260
3 CCR § 3266
3 CCR § 3264
3 CCR § 3272
3 CCR § 3255
3 CCR § 3271
3 CCR § 3274
3 CCR § 3273
3 CCR § 3280
3 CCR § 3253
3 CCR § 3261

- TX 4 TAC § 19.103
4 TAC § 19.202
4 TAC § 19.32
4 TAC § 19.23

● Aquatic Invasive Plant Species Generally

■ Import

- These laws impose restrictions on aquatic plant species that can be imported into the state. They are intended to protect native wildlife and the fishing industry.

- Laws Potentially Impacted:

- IA Iowa Admin. Code 571-90.2(456A)
- MN Minnesota Rules, part 6216.0250
Minnesota Rules, part 6216.0260

- NE Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 012

- TX 4 TAC § 19.300

- Hydrilla

- Hydrilla is an aquatic weed that can, by its thick growth, restrict water flow and make recreational lakes and ponds unusable. These laws require inspection of plants and boats, and establish quarantines to prevent the spread of this plant.

- Laws Potentially Impacted:

- CA 3 CCR § 3281

- NH N.H. Code Admin. R. Env-Wq 1303.02

- NY 6 NYCRR 575.3

- Floating Water Chestnut

- Floating water chestnut is another an aquatic weed that can restrict water flow and make recreational lakes and ponds unusable. These laws make it illegal to import or transport these plants, seeds, or nuts.

- Laws Potentially Impacted:

- CT CT ST § 22a-381d

- MA Mass. Gen. Laws Ann. ch. 128, § 20A

- NY NY ENVIR CONSER § 11-0509

- Plants Generally

- Standards for Movement

- These laws impose standards under which plants may be imported into the state. They are intended to ensure shipments are healthy and reduce the spread of disease.

- Laws Potentially Impacted:

- CA 3 CCR § 3659
West's Ann.Cal.Food & Agric.Code § 6401
West's Ann.Cal.Food & Agric.Code §

6464

West's Ann.Cal.Food & Agric.Code §
6461

West's Ann.Cal.Food & Agric.Code §
6441

- FL Rule 5B-2.001, F.A.C.
Rule 5B-3.003, F.A.C.
Rule: 5B-2.008 F.A.C.
- GA Ga. Comp. R. & Regs. 40-4-9-.04
- PA 3 P.S. § 258.17

● Noxious Weeds

- These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-10-14-.04
- AR Ark. Admin. Code 209.02.11 Appendix
Ark. Admin. Code 209.02.18
- AZ A.A.C. R3-4-403
- CA West's Ann.Cal.Food & Agric.Code §
7501
- CT Regs. Conn. State Agencies § 22-59-5
Regs. Conn. State Agencies § 22-59-4
Regs. Conn. State Agencies § 22-59-1a
Regs. Conn. State Agencies § 22-59-8a
Regs. Conn. State Agencies § 22-59-8b

- CO 8 CCR 1203-6:7
Regs. Conn. State Agencies § 22-59-8

- DE 3 Del. Admin. Code 801-3.0

- FL Rule 5B-57.006, F.A.C.
Rule 5B-57.004, F.A.C.
Rule 5B-64.011, F.A.C.
West's F.S.A. § 581.091
West's F.S.A. § 581.083
Rule 5B-57.007, F.A.C.

- GA Ga. Comp. R. & Regs. 40-12-4-.01
2018 GA REG TEXT 490144 (NS)

- IL 8 Ill. Adm. Code 220.60
8 Ill. Adm. Code 230.30
8 Ill. Adm. Code 230.20

- ID IDAPA 02.06.22.010

- LA La. Admin Code. tit. 7, Pt XIII, § 109
LSA-R.S. 3:1791
La. Admin Code. tit. 76, Pt VII, § 1101

- MI Mich. Admin. Code R. 285.715.7

- MN M.S.A. § 18.75
M.S.A. § 18.82
- MO 2 Mo. Code of State Regulations
70-45.005

- MS Miss. Admin. Code 2-1-3:01

- MT Mont.Admin.R. 4.12.3004

- NC 2 NCAC 48A.1702

- NE Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 001
- OH OAC 901:5-27-06
R.C. 927.681
- OK Okla. Admin. Code 35:30-25-3
Okla. Admin. Code 35:30-36-13
- PA 7 Pa. Code § 110.1
- SC S.C. Code of Regulations R. 5-584
- TX 4 TAC § 19.300
- UT U.A.C. R68-9
- VT Vt. Admin. Code 2-3-210:V
- VA 2 VAC 5-317-60
- WA WAC 16-750-001
- WV W. Va. Code St. R. § 61-14A-5
W. Va. Code St. R. § 61-9-13

● Noxious Weed Seeds

- In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.
 - Laws Potentially Impacted:
 - AL Ala. Admin. Code r. 80-11-1-.05
 - CA West's Ann.Cal.Food & Agric.Code § 52257

- KY 12 Ky. Admin. Regs. 1:120
- IL 8 Ill. Adm. Code 230.20
- MN Minnesota Rules, part 1510.0271
- MS Miss. Admin. Code 2-1-3:12
- NC 2 NCAC 48C.0102
- OH OAC 901:5-27-06
- OK Okla. Admin. Code 35:30-25-3
- PA 7 Pa. Code § 111.23
- VA 2 VAC 5-390-20

● Seeds

- Genetically Modified Seed Labeling and Reporting
 - These regulations impose recordkeeping, labeling, and reporting requirements on manufacturers of seeds that have been genetically modified. They are intended to increase transparency and reduce the risk of cross contamination of plants.
 - Laws Potentially Impacted:
 - CT C.G.S.A. § 21a-92c
 - ME 7 M.R.S. § 1052
 - VT 6 V.S.A. § 644

● Potato Seeds

- Grades of Seed Eligible for Sale
 - These laws restrict the sale of lower grades of seed potatoes and allow only for high quality seeds to be offered for sale within the state. They are intended to ensure that a high quality of potato is produced in the state.

- Laws Potentially Impacted:

- FL Rule 5B-33.003, F.A.C.
- MN Minnesota Rules, part 1510.2320

- Soil and Fertilizer

- Labeling and Registration

- These laws impose conditions on the labeling of soils, fertilizers, and other horticultural growing materials, including specific provisions for certain ingredients, provenance, and the like. Some require producers to disclose the use of waste-derived products, arsenic, mercury, poisons, and other materials. Other regulations require that manufacturers register prior to selling such products within the state. These laws are intended to inform consumers and increase producer transparency.

- Laws Potentially Impacted:

- AL Ala. Admin. Code r. 80-1-6-.07
Ala. Admin. Code r. 80-1-6-.03
- CA West's Ann.Cal.Food & Agric.Code § 14631
West's Ann.Cal.Food & Agric.Code § 14591
- FL West's F.S.A. § 576.031
- GA Ga. Comp. R. & Regs. 40-4-21-.03
- LA LSA-R.S. 3:1413
- MN Minnesota Rules, part 1510.0433
Minnesota Rules, part 1510.0412
M.S.A. § 18C.215
- NY McKinney's Agriculture and Markets
Law § 145
- PA 3 P.S. § 71
- UT U.A.C. R68-3

- Manure

- Content, Labeling, and Transport

- These laws impose content requirements, labeling requirements, or regulations governing the transport of manure offered for sale within the state. They are intended to ensure quality and decrease adverse impacts on residents.

- Laws Potentially Impacted:

- CT Regs. Conn. State Agencies § 19-13-B1

- PA 3 P.S. § 84
 3 P.S. § 87
 3 P.S. § 88
 3 P.S. § 86

- Biosolids/ “Night Soil”/ Human Waste as Fertilizer

- These laws regulate the labeling, content, or sale of human waste as fertilizer. They are intended to increase transparency.

- Laws Potentially Impacted:

- FL Rule 62-640.850, F.A.C.

- WA WAC 16-200-703

XII. Procurement

- Agricultural Goods

- These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.

- Laws Potentially Impacted:

- AL Ala.Code 1975 § 41-16-57
 Ala.Code 1975 § 41-16-27

- AK AS § 36.30.321
AS § 36.30.332
AS § 36.30.322
AS § 36.15.050
AS § 36.15.010
- AZ A.R.S. § 34-242
A.R.S. § 34-243
- AR Ark.Code, § 19-11-260
Ark.Code, § 19-11-304
- CA Cal.Pub.Cont.Code, § 4533
- CO C.R.S.A. § 24-103-906-9
C.R.S.A. § 24-103-907
- CT C.G.S.A. § 4a-51
C.G.S.A. § 4a-59
- FL West's F.S.A. § 255.04
West's F.S.A. § 25-25.009
West's F.S.A. § 287.084
- GA Ga. Code Ann., § 50-5-60
Ga. Code Ann., § 50-5-61
- HI HRS § 103D-1002
- ID I.C. § 67-2349
- IL 30 ILCS 500/45 50
- IN IC, §5-22-15-20.5
- IA I.C.A., § 8A.311
I.C.A., § 73.1

- KS KS, §75-3740
- KY KRS § 45A.645
- LA LSA-R.S., § 38:2251
- ME 5 M.R.S.A. § 1825-B
- MA M.G.L.A. 7 § 22
M.G.L.A. 7 § 23B
- MD COMAR 21.05.01.04
MD Code, State Finance and Procurement, §
14-407
- MI M.C.L.A. §18.1261
- MN M.S.A. § 16C.06
- MS Miss. Code Ann. § 31-7-15
Miss. Code Ann. § 31-5-23
- MO V.A.M.S. 34.070
- MT MCA 18-1-102
- NE Neb. Admin. R. & Regs. Tit. 9, Ch. 4, § 003
Neb. Admin. R. & Regs. Tit. 92, Ch. 72, § 004
- NV N.R.S. 333.300
- NJ N.J.S.A. 52:32-1.4
N.J.S.A. 52:32-45
- NM N.M.S.A. 1978, § 13-1-21
- NY McKinney's State Finance Law § 165
- NC N.C.G.S.A. § 143-59

- ND NDCC, 44-08-01
- OH R.C. § 125.09
- OK 74 Okl.St.Ann. § 85.17A
74 Okl.St.Ann. § 85.44D
- OR O.R.S. § 279A.125
O.R.S. § 279A.120
- PA 62 Pa. C.S.A. § 107
- RI Gen.Laws 1956, § 37-2-8
- SC Code 1976 § 11-35-1524
- SD SDCL § 5-18A-26
- TN T. C. A. § 12-3-1113
T. C. A. § 12-3-1108
- UT U.C.A. 1953 § 63G-6a-1002
U.A.C. R33-10
U.A.C., R33-6-111
- VA VA Code Ann. § 2.2-4328
VA Code Ann. § 2.2-4324
- WA West's RCWA 39.26.260
- WV West Virginia Code, §5A-3-37
- WI W.S.A. 16.75
- WY W.S.1977 § 16-6-104
W.S.1977 § 16-6-105

- Meat with Pink Slime

- “Pink slime,” also known as lean finely textured beef, is ammonia-treated scrap meat and connective tissue that is used as an additive in processed meats. The National School Lunch Program is a USDA program that offers schools the option to purchase meat with or without pink slime. Some school boards or departments of education prohibit its purchase for schools through regulatory policies.

- Laws Potentially Impacted:

- ME Maine Education Dept. <https://bangordailynews.com/2012/03/22/news/state/Maine-school-lunch-program-says-no-to-pink-slime/>
- SC South Carolina Department of Education. https://www.postandcourier.com/politics/state__politics/no-pink-slime-in-school-lunch/article_d394ea63-05d8-5efc-B8c6-f2099b98552d.html
- UT Utah State Office of Education <https://www.deseretnews.com/article/865552255/Utah-school-lunch-programs-join-anti-pink-slime-meat-movement.html>

XIII. General Prohibitions Affecting Agricultural Goods

- Chemicals of Concern

- These laws impose general prohibitions, or in some cases registration or warning label requirements, on products containing certain substances thought to be toxic or otherwise harmful to human health. They apply to a broad range of products and children’s products, but

could be preempted by PICA with respect to any item that may be considered an agricultural good.

- Laws Potentially Impacted:

- CA West's Ann.Cal.Health & Safety Code § 25249.6
- WA West's RCWA 70.240.020
West's RCWA 70.240.025

- Toxins in Packaging

- Materials Used to Package Agricultural Products

- Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.

- Laws Potentially Impacted:

- CA Cal.Health & Safety Code § 25214.13
- CT C.G.S.A. § 22a-255g-22a-255m
- FL West's F.S.A. § 403.7191
- GA Ga. Code Ann., § 12-8-162
- IA I.C.A. § 455D.19
- IL 415 ILCS 5/21.5
- MD MD Code, Environment, § 9-1902
- ME 32 M.R.S.A. § 1733
- MN M.S.A. § 115A.965
- MO Mo. Rev. Stat. § 260.822

- NH N.H. Rev. Stat. § 149-M:34
- NJ N.J.S.A. 13:1E-99.44
- NY McKinney's ECL § 37-0205
- PA 35 P.S. § 6024.301
- RI Gen.Laws 1956, § 23-18.13-4
- VA VA Code Ann. § 10.1-1425.22
- VT 10 V.S.A. § 6620a
- WA West's RCWA 70.95G.060
- WI W.S.A. 100.285

XIV. Miscellaneous

● Animal Blood

■ Prohibition on Consumption

- These laws prohibit the consumption of animal blood and animal waste, though the sale of these products for other uses is permitted. While both are agricultural products, it is an open question whether such a prohibition is restrictive enough so as to constitute a ban or partial ban.

- Laws Potentially Impacted:

- LA LSA-R.S. 14:107.1

● Poisons of Agricultural Origin

■ Bitter Almonds

- Unlike sweet almonds, bitter almonds are toxic to humans. Though they are similar in appearance to sweet almonds, bitter almonds

contain exponentially higher amounts of cyanide-compounds. Once heat-treated, bitter almonds can be used to make almond extract; however, in their raw form, the nuts can be lethal to humans even in small doses of only ten or more nuts if consumed by a child. Several states regulate labeling of bitter almonds or otherwise prohibit their sale as a poison.

- Laws Potentially Impacted:

- AL Ala.Code 1975 § 22-20-11

- IA I.C.A. § 205.5

- NE Neb.Rev.St. § 71-2508

- SD SDCL § 34-20-1

- Linseed Oil and Flaxseed Oil

- These laws impose restrictions on the content, sale, and labeling of linseed oil, flaxseed oil, or any compounds of either. They are intended to protect the public from poisoning or other harm that may come through misuse.

- Laws Potentially Impacted:

- PA 3 P.S. § 143
3 P.S. § 144

- Bittering Agent Required for Poisonous Substances

- Bittering agents are sometimes required to be added to household products to help avoid accidental poisonings by children or pets. Many poisonous substances regulated under the law are agricultural in origin.

- Laws Potentially Impacted:

- CA West's Ann.Cal.Health & Safety Code
§ 108765