

2020 Regular Session

HOUSE BILL NO. 618

BY REPRESENTATIVE THOMPSON

AGRICULTURE: Provides for the regulation of commercial feed and use of the Feed and Fertilizer Fund

1 AN ACT

2 To amend and reenact R.S. 3:1396(1) and (8), 1399(C), 1401(B), and 1407(B)(1), relative
3 to state regulations of commercial feed; to provide for regulation of adulterated
4 commercial feeds and detaining commercial feeds; to provide for labeling fees; to
5 provide for use of the Feed and Fertilizer Fund; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 3:1396(1) and (8), 1399(C), 1401(B), and 1407(B)(1) are hereby
8 amended and reenacted to read as follows:

9 §1396. Adulteration

10 A commercial feed shall be deemed to be adulterated:

11 (1) If it bears or contains any poisonous or deleterious substance which may
12 render it injurious to the health of the livestock or pets who consume the products,
13 or to humans that may handle the products or consume the resultant food product of
14 the livestock. If the substance is not an added substance, the commercial feed shall
15 not be considered adulterated under this Paragraph if the quantity of the substance
16 in the commercial feed does not ordinarily render it injurious to the health of the
17 livestock or pets who consume the products, or to humans that may handle the
18 products or consume the resultant food product of the livestock.

19 * * *

(8) If it contains a drug or antibiotic and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to good manufacturing practice regulations promulgated by the commission to assure that the drug meets the requirement of this Part as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commission shall adopt the good manufacturing practice regulations for medicated feed premixes and for medicated feeds ~~established under authority of~~ in accordance with the Federal Food, Drug, and Cosmetic Act, 21 CFR Part 225 and Part 507, ~~unless it except when~~ the commission determines that they these federal regulations are not appropriate to the conditions which exist in this state.

* * *

§1399. Detained commercial feeds; withdrawal from distribution; condemnation and confiscation; stop order

* * *

C. The commissioner may stop the sale, distribution, or movement of any commercial or customer-formula feed, whole or cracked unmixed grains or seeds, whole hays, straw, chaff, or hulls from grains or seeds, corn stover, or other materials which are sold for the purpose of feeding livestock or pets and which the commissioner or his authorized agent has reasonable cause to believe contains any disease, toxin, hazardous waste, poisonous residues, or other material which poses an immediate threat to the lives or health of livestock or pets in this state. A stop order may be issued by the commissioner without a court order, and the feed or material which is subject to the stop order may be detained for up to ~~five~~ ten working days. If an amicable agreement as to the disposition of the feed or material cannot be reached in that time, the commissioner shall begin proceedings for condemnation.

* * *

§1401. Fees

* * *

1 B. The commission shall establish by rule a fee, not to exceed twenty dollars,
2 to be paid by Each each registrant filing a label with the commission, ~~shall pay to the~~
3 ~~commission a labeling fee not to exceed twenty dollars. The commission by rule~~
4 ~~shall establish a schedule of labeling fees based upon the number of registrants, the~~
5 ~~volume of commercial feed sold in this state by each, and the estimated expenses~~
6 ~~incurred by the commissioner in administering the provisions of this Part.~~

7 * * *

8 §1407. Disposition of funds; Feed and Fertilizer Fund

9 * * *

10 B. Subject to appropriation, the monies in the Feed and Fertilizer Fund shall
11 be used for the following purposes:

(1) To provide for the expenses of the programs established by Parts II and III of this Chapter and the expenses of the ~~office~~ offices of agricultural and environmental sciences and animal health and food safety, as determined by the commissioner.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 618 Engrossed

2020 Regular Session

Thompson

Abstract: Provides clarification relative to adulterated commercial feed and labeling fees, and authorizes additional uses of the Feed and Fertilizer Fund.

Present law classifies when a commercial feed is or is not considered adulterated if it contains a poisonous or deleterious substance causing injury to health.

Proposed law retains present law and specifies if the injury is to the health of livestock, pets, or humans.

Present law requires the Ag Chemistry and Seed Commission (commission) to adopt good manufacturing practice regulations for medicating feed premixes and medicated feeds under federal law.

Proposed law retains present law and adds a reference to federal law.

Present law authorizes the commissioner of agriculture to issue a stop order for the sale, distribution, or movement of certain feeds when reasonable cause to believe that the feed

poses immediate threat to the lives and health of livestock in the state exists, and present law allows up to five working days for the detainment of such feed.

Proposed law retains present law and adds the term "pets" in reference to the type of feed and type of animals the feed poses a threat to. Proposed law changes the maximum amount of days for detainment of the feed to 10 working days.

Present law requires registrants to pay a fee, not to exceed \$20, when filing a label with the commission, and requires the commission to establish, by rule, a schedule of labeling fees based on the number of registrants, the volume of commercial feed sold in the state by each, and the estimated expenses incurred by the commissioner of agriculture in administering the label program.

Proposed law removes the criteria by which the commission must establish the labeling fees by rule, but otherwise retains present law.

Present law provides for the use of monies in the Feed and Fertilizer Fund to be expended on the expenses of the office of agricultural and environmental sciences as determined by the commissioner of agriculture.

Proposed law retains present law and adds the office of animal health and food safety as an acceptable expenditure of the fund.

(Amends R.S. 3:1396(1) and (8), 1399(C), 1401(B), and 1407(B)(1))