

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 684

Representatives Brinkman, Lanese

Cosponsors: Representatives Dean, Schmidt, Lipps, Young, T., Edwards

A BILL

To amend sections 923.41, 923.48, and 923.51 of the 1
Revised Code to prohibit pet food from 2
containing remains from any dog or cat or the 3
remains from any other animal that was 4
euthanized by the use of an injected drug. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 923.41, 923.48, and 923.51 of the 6
Revised Code be amended to read as follows: 7

Sec. 923.41. As used in sections 923.41 to 923.55 of the 8
Revised Code: 9

(A) "Animal" means any animate being, other than a human. 10

(B) "Commercial feed" or "feed" means all materials, 11
except unmixed whole seeds or physically altered entire unmixed 12
seeds, that are not adulterated and that are distributed for use 13
as feed or for mixing in feed for animals. "Commercial feed" or 14
"feed" does not include drugs that are not incorporated into 15
feed and that are not distributed to be mixed in feed. 16
"Commercial feed" and "feed" also does not include negligible 17
amounts of feed ingredients added to a drug solely for the 18

purpose of facilitating administration of the drug to an animal.	19
(C) "Feed ingredient" means each of the constituent materials used to make a commercial feed.	20 21
(D) "Customer-formula feed" means a commercial feed that consists of a mixture of commercial feeds, feed ingredients, or both, each batch of which is manufactured according to the specific instructions of the final purchaser.	22 23 24 25
(E) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.	26 27
(F) "Drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of infectious disease in animals or any article other than feed intended to affect the structure or any function of the animal's body.	28 29 30 31 32
(G) "Brand name" means any word, name, symbol, or device, or any combination thereof identifying the commercial feed of a distributor and distinguishing it from that of others.	33 34 35
(H) "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.	36 37
(I) "Federal act" means the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as amended.	38 39
(J) "Official sample" means a sample of commercial feed taken by the director of agriculture or the director's agent in accordance with section 923.47 of the Revised Code and rules adopted under that section.	40 41 42 43
(K) "Ton" means a net weight of two thousand pounds avoirdupois.	44 45

(L) "Per cent" or "percentage" means the percentage by weight.	46 47
(M) "Manufacture" means to grind, mix, blend, or further process a commercial feed for distribution. "Manufacturer" means any person who manufactures.	48 49 50
(N) "Person" includes an individual, partnership, association, firm, or corporation.	51 52
(O) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed or to supply, furnish, or otherwise provide commercial feed for animals.	53 54 55
(P) "Distributor" means any person who distributes.	56
(Q) "Label" means a display of written, printed, or graphic matter on or affixed to the container in which a commercial feed is distributed or on the invoice, delivery slip, or other shipping document with which a commercial feed is distributed.	57 58 59 60 61
(R) "Labeling" means all labels or any other written, printed, or graphic matter that accompanies commercial feed.	62 63
(S) "Exempt buyer" means a person to whom commercial feed is distributed who is required by rule under division (A) (2) of section 923.44 of the Revised Code to pay the semiannual inspection fee required under that section.	64 65 66 67
(T) "Misbranded" has the same meaning as in section 923.49 of the Revised Code.	68 69
(U) "Adulterated" has the same meaning as in section 923.48 of the Revised Code.	70 71
<u>(V) "Pet" means any domestic animal normally maintained in</u>	72

or near a household. 73

(W) "Pet food" means any commercial feed prepared and 74
distributed for consumption by pets. 75

Sec. 923.48. (A) A commercial feed, or an agricultural 76
commodity such as whole seed, hay, straw, stover, silage, cobs, 77
husks, or hulls, is adulterated if any of the following occur: 78

~~(A)~~ (1) It bears or contains any poisonous or deleterious 79
substance that may render it injurious to animal or human 80
health, except that when the substance is not an added 81
substance, the feed or agricultural commodity is not adulterated 82
if the quantity of the substance in the feed or commodity does 83
not ordinarily render it injurious to animal or human health; 84

~~(B)~~ (2) It bears or contains any added poisonous, 85
deleterious, or nonnutritive substance that is unsafe within the 86
meaning of section 406 of the federal act, 21 U.S.C. 346, except 87
such a substance that is either a food additive or a pesticide 88
chemical in or on a raw agricultural commodity; 89

~~(C)~~ (3) It is, or it bears or contains any food additive 90
that is unsafe within the meaning of section 409 of the federal 91
act, 21 U.S.C. 348; 92

~~(D)~~ (4) It is a raw agricultural commodity and bears or 93
contains a pesticide chemical that is unsafe within the meaning 94
of section 408(a) of the federal act, 21 U.S.C. 346a, except 95
when a pesticide chemical is used in or on a raw agricultural 96
commodity in conformity with an exemption granted or a tolerance 97
prescribed under section 408(a) of the federal act and the 98
commodity is subjected to processing, which includes canning, 99
cooking, freezing, dehydrating, or milling, the pesticide 100
residue remaining is not unsafe if it is removed to the extent 101

possible in good manufacturing practice as defined by the 102
director in rules adopted under division ~~(I)~~ (A) (9) of this 103
section and the concentration of the residue in the processed 104
feed is not greater than the tolerance prescribed for the raw 105
agricultural commodity, unless the feeding of the processed feed 106
will result, or is likely to result, in a pesticide residue in 107
the edible product of the animal that is unsafe within the 108
meaning of section 408(a) of the federal act; 109

~~(E)~~ (5) It bears or contains any color additive that is 110
unsafe within the meaning of section 706 of the federal act, 21 111
U.S.C. 376; 112

~~(F)~~ (6) It is, or bears or contains any new animal drug 113
that is unsafe within the meaning of section 512 of the federal 114
act, 21 U.S.C. 360b; 115

~~(G)~~ (7) A valuable component is omitted or abstracted from 116
it in whole or in part or a less valuable component is 117
substituted for a valuable component; 118

~~(H)~~ (8) Its composition or quality falls below or differs 119
from what it is purported or represented to possess by its 120
labeling; 121

~~(I)~~ (9) It contains a drug and the methods used in or the 122
facilities or controls used for its manufacture, processing, or 123
packaging do not conform to current good manufacturing practices 124
as determined by the director in rules adopted under this 125
division to assure that the drug meets the requirements of this 126
chapter for safety and has the identity and strength and meets 127
the quality and purity characteristics that it purports or is 128
represented to possess. The director shall adopt good 129
manufacturing practices rules for drug-containing feeds. In 130

doing so, ~~he~~ the director shall adopt the regulations for type A 131
medicated articles and for type B and type C medicated feeds 132
established under the authority of the federal act. 133

~~(7)~~ (10) It contains viable weed seeds in amounts 134
exceeding limits for weed seeds established by the director by 135
rule. 136

(B) Pet food is adulterated if any of the following 137
applies: 138

(1) Any provision of divisions (A) (1) to (10) of this 139
section apply to it. 140

(2) It contains any animal remains from an animal that has 141
been euthanized by the use of any drug injected intravenously or 142
any drug injected through another nonvascular route. 143

(3) It contains any dog or cat remains, regardless of how 144
the dog or cat died or was killed. 145

Sec. 923.51. No person shall commit any of the following 146
acts or cause to be committed any of the following acts: 147

(A) Adulterate commercial feed or distribute adulterated 148
commercial feed; 149

(B) Adulterate pet food or distribute adulterated pet 150
food; 151

(C) Misbrand commercial feed or distribute misbranded 152
commercial feed; 153

~~(C)~~ (D) Adulterate any agricultural commodity such as 154
whole seed, hay, straw, stover, silage, cobs, husks, or hulls 155
and feed it to animals or distribute any such commodity that is 156
adulterated; 157

(D) <u>(E)</u> Remove or dispose of a commercial feed in	158
violation of a withdrawal from distribution order or a	159
condemnation and confiscation order issued under section 923.52	160
or 923.53 of the Revised Code or any rules adopted under those	161
sections;	162
(E) <u>(F)</u> Use for his <u>the person's</u> own advantage, or reveal	163
except to the director of agriculture or his <u>the director's</u>	164
agent or to the courts when relevant in any judicial proceeding	165
under sections 923.41 to 923.55 of the Revised Code or any rules	166
adopted under those sections, any information acquired under the	167
authority of those sections of the Revised Code or rules adopted	168
under those sections that as a trade secret is entitled to	169
protection;	170
(F) <u>(G)</u> Fail or refuse to register as required under	171
section 923.42 of the Revised Code or any rule adopted under	172
that section;	173
(G) <u>(H)</u> Fail to pay inspection fees or file semiannual	174
reports as required under section 923.44 of the Revised Code or	175
any rule adopted under that section.	176
Section 2. That existing sections 923.41, 923.48, and	177
923.51 of the Revised Code are hereby repealed.	178