

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 560

Representative Lanese

A BILL

To amend sections 923.41, 923.48, and 923.51 of the
Revised Code to prohibit pet food from
containing remains from an animal that was
euthanized by the use of any drug injected
intravenously or through another nonvascular
route or remains from any dog or cat.

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
Revised Code be amended to read as follows:

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

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

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

purpose of facilitating administration of the drug to an animal.	20
(C) "Feed ingredient" means each of the constituent materials used to make a commercial feed.	21 22
(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.	23 24 25 26
(E) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.	27 28
(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.	29 30 31 32 33
(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.	34 35 36
(H) "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.	37 38
(I) "Federal act" means the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as amended.	39 40
(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.	41 42 43 44
(K) "Ton" means a net weight of two thousand pounds avoirdupois.	45 46

(L) "Per cent" or "percentage" means the percentage by weight.	47 48
(M) "Manufacture" means to grind, mix, blend, or further process a commercial feed for distribution. "Manufacturer" means any person who manufactures.	49 50 51
(N) "Person" includes an individual, partnership, association, firm, or corporation.	52 53
(O) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed or to supply, furnish, or otherwise provide commercial feed for animals.	54 55 56
(P) "Distributor" means any person who distributes.	57
(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.	58 59 60 61 62
(R) "Labeling" means all labels or any other written, printed, or graphic matter that accompanies commercial feed.	63 64
(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.	65 66 67 68
(T) "Misbranded" has the same meaning as in section 923.49 of the Revised Code.	69 70
(U) "Adulterated" has the same meaning as in section 923.48 of the Revised Code.	71 72
<u>(V) "Pet" means any domestic animal normally maintained in</u>	73

or near a household. 74

(W) "Pet food" means any commercial feed prepared and 75
distributed for consumption by pets. 76

Sec. 923.48. (A) A commercial feed, or an agricultural 77
commodity such as whole seed, hay, straw, stover, silage, cobs, 78
husks, or hulls, is adulterated if any of the following occur: 79

~~(A)~~ (1) It bears or contains any poisonous or deleterious 80
substance that may render it injurious to animal or human 81
health, except that when the substance is not an added 82
substance, the feed or agricultural commodity is not adulterated 83
if the quantity of the substance in the feed or commodity does 84
not ordinarily render it injurious to animal or human health; 85

~~(B)~~ (2) It bears or contains any added poisonous, 86
deleterious, or nonnutritive substance that is unsafe within the 87
meaning of section 406 of the federal act, 21 U.S.C. 346, except 88
such a substance that is either a food additive or a pesticide 89
chemical in or on a raw agricultural commodity; 90

~~(C)~~ (3) It is, or it bears or contains any food additive 91
that is unsafe within the meaning of section 409 of the federal 92
act, 21 U.S.C. 348; 93

~~(D)~~ (4) It is a raw agricultural commodity and bears or 94
contains a pesticide chemical that is unsafe within the meaning 95
of section 408(a) of the federal act, 21 U.S.C. 346a, except 96
when a pesticide chemical is used in or on a raw agricultural 97
commodity in conformity with an exemption granted or a tolerance 98
prescribed under section 408(a) of the federal act and the 99
commodity is subjected to processing, which includes canning, 100
cooking, freezing, dehydrating, or milling, the pesticide 101
residue remaining is not unsafe if it is removed to the extent 102

possible in good manufacturing practice as defined by the 103
director in rules adopted under division (I) of this section and 104
the concentration of the residue in the processed feed is not 105
greater than the tolerance prescribed for the raw agricultural 106
commodity, unless the feeding of the processed feed will result, 107
or is likely to result, in a pesticide residue in the edible 108
product of the animal that is unsafe within the meaning of 109
section 408(a) of the federal act; 110

~~(E)~~ (5) It bears or contains any color additive that is 111
unsafe within the meaning of section 706 of the federal act, 21 112
U.S.C. 376; 113

~~(F)~~ (6) It is, or bears or contains any new animal drug 114
that is unsafe within the meaning of section 512 of the federal 115
act, 21 U.S.C. 360b; 116

~~(G)~~ (7) A valuable component is omitted or abstracted from 117
it in whole or in part or a less valuable component is 118
substituted for a valuable component; 119

~~(H)~~ (8) Its composition or quality falls below or differs 120
from what it is purported or represented to possess by its 121
labeling; 122

~~(I)~~ (9) It contains a drug and the methods used in or the 123
facilities or controls used for its manufacture, processing, or 124
packaging do not conform to current good manufacturing practices 125
as determined by the director in rules adopted under this 126
division to assure that the drug meets the requirements of this 127
chapter for safety and has the identity and strength and meets 128
the quality and purity characteristics that it purports or is 129
represented to possess. The director shall adopt good 130
manufacturing practices rules for drug-containing feeds. In 131

doing so, ~~he~~ the director shall adopt the regulations for type A 132
medicated articles and for type B and type C medicated feeds 133
established under the authority of the federal act. 134

~~(J)~~ (10) It contains viable weed seeds in amounts 135
exceeding limits for weed seeds established by the director by 136
rule. 137

(B) Pet food is adulterated if any of the following 138
applies: 139

(1) Any provision of divisions (A) (1) to (10) of this 140
section apply to it. 141

(2) It contains any animal remains from an animal that has 142
been euthanized by the use of any drug injected intravenously or 143
through another nonvascular route. 144

(3) It contains any dog or cat remains, regardless of how 145
the dog or cat died or was killed. 146

Sec. 923.51. No person shall commit any of the following 147
acts or cause to be committed any of the following acts: 148

(A) Adulterate commercial feed or distribute adulterated 149
commercial feed; 150

(B) Adulterate pet food or distribute adulterated pet 151
food; 152

(C) Misbrand commercial feed or distribute misbranded 153
commercial feed; 154

~~(C)~~ (D) Adulterate any agricultural commodity such as 155
whole seed, hay, straw, stover, silage, cobs, husks, or hulls 156
and feed it to animals or distribute any such commodity that is 157
adulterated; 158

~~(D)~~ (E) Remove or dispose of a commercial feed in 159
violation of a withdrawal from distribution order or a 160
condemnation and confiscation order issued under section 923.52 161
or 923.53 of the Revised Code or any rules adopted under those 162
sections; 163

~~(E)~~ (F) Use for ~~his~~ the person's own advantage, or reveal 164
except to the director of agriculture or ~~his~~ the director's 165
agent or to the courts when relevant in any judicial proceeding 166
under sections 923.41 to 923.55 of the Revised Code or any rules 167
adopted under those sections, any information acquired under the 168
authority of those sections of the Revised Code or rules adopted 169
under those sections that as a trade secret is entitled to 170
protection; 171

~~(F)~~ (G) Fail or refuse to register as required under 172
section 923.42 of the Revised Code or any rule adopted under 173
that section; 174

~~(G)~~ (H) Fail to pay inspection fees or file semiannual 175
reports as required under section 923.44 of the Revised Code or 176
any rule adopted under that section. 177

Section 2. That existing sections 923.41, 923.48, and 178
923.51 of the Revised Code are hereby repealed. 179