

HOUSE BILL NO. 1128

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact sections 19-14-01, 19-14-02, 19-14-03, 19-14-04,
2 19-14-05, 19-14-06, 19-14-07, and 19-14-08 of the North Dakota Century Code, relating to the
3 regulation of livestock medicines; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 19-14-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-14-01. ~~Livestock medicine defined~~ Definitions.** ~~The term~~ As used in this chapter:

8 1. "Commissioner" means the agriculture commissioner.

9 2. "~~livestock~~ Livestock medicine" ~~as used in this chapter~~ includes all devices,
10 remedies, cures, tonics, powders, proprietary medicines, ~~medicated stock feeds~~
11 type A medicated articles, and similar preparations for the treatment or prevention
12 of any disease of livestock, poultry, or other domestic animals which are
13 administered internally for their stimulating, invigorating, curative, or other than
14 nutritive powers, and also all powders, sprays, dips, and other preparations for
15 external use in the curing of scab or the eradication of ticks, lice, and other mites
16 and parasites on livestock, poultry, or other domestic animals. The term does not
17 include medicines which are manufactured, sold, or recommended primarily for
18 human use.

19 3. "Type A medicated article" includes a product with standardized potency containing
20 one or more new animal drugs intended for use in the manufacture of another
21 medicated article or a medicated feed.

22 **SECTION 2. AMENDMENT.** Section 19-14-02 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **19-14-02. Registration of livestock medicine.** The commissioner of agriculture, upon
2 the application of the manufacturer or distributor of livestock medicine and the payment of the
3 registration fee prescribed in section 19-14-04, shall register any livestock medicine that does
4 not violate this chapter. Registration covers a two-year period beginning July first and ending
5 June thirtieth of ~~the second ensuing~~ every even numbered year unless it is canceled sooner
6 because a change is made in the ingredients or formula of manufacture or in the name, brand,
7 or trademark under which the medicine is sold. In the event of any change, the medicine must
8 be registered anew in the same manner as upon an original application.

9 **SECTION 3. AMENDMENT.** Section 19-14-03 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **19-14-03. Regulations for sale.** No person may sell, offer, or expose for sale, have in
12 possession with intent to sell, any livestock medicine:

- 13 1. Which is sold under a name, brand, trademark, or labeling which is misleading,
14 deceptive, or false, or which is dangerous to animals under the conditions of use
15 prescribed in the labeling or advertising thereof.
- 16 2. Which purports to cure any infectious disease of domestic animals for which no
17 genuine cure is known.
- 18 3. Which has not been registered by the commissioner of agriculture for sale in this
19 state. The certificate of registration must include a disclosure of the name and
20 quantity or proportion of each active ingredient and the names of the inert
21 ingredients or fillers.
- 22 4. Which does not have printed or written upon the label of each package sold at
23 retail, in type not less than one-fourth the size of the largest type on the package:
 - 24 a. The common name in English of all active ingredients in the order of their
25 predominance in the product;
 - 26 b. A statement of the actual percentage or relative amounts of each ingredient
27 active and inert. In the case of certain products (such as coated medicinal
28 tablets), it may be impractical to state the quantity or proportion of inert
29 ingredients and exemptions must be established by rules adopted by the
30 commissioner;
 - 31 c. The net contents, by weight, measure, or numerical count of the package;

- 1 d. The name and principal address of the manufacturer or person responsible for
2 placing the livestock medicine on the market; and
3 e. Complete and explicit directions for use of the medicine.
4 5. When the contents of the package as originally ~~put up~~ manufactured have been
5 removed in whole or in part, and other contents have been placed in such
6 package.

7 **SECTION 4. AMENDMENT.** Section 19-14-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **19-14-04. Registration fee.** Prior to each two-year registration ending June thirtieth of
10 every even numbered year, a registration fee of twenty dollars must be paid to the
11 commissioner ~~of agriculture~~ for each livestock medicine that is registered. A person submitting
12 an application for registration which is received by the commissioner after July thirty-first of that
13 year shall pay an additional late registration fee of ten dollars.

14 **SECTION 5. AMENDMENT.** Section 19-14-05 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **19-14-05. Commissioner may cancel registration.** The commissioner ~~of agriculture~~
17 may cancel the registration of any livestock medicine that is sold subsequent to its registration
18 in violation of this chapter. The commissioner ~~of agriculture~~ may cancel the registration
19 whenever a change is made in the ingredients or formula of the manufacture or in the name,
20 brand, or trademark under which the medicine is sold, unless the medicine has been
21 reregistered.

22 **SECTION 6. AMENDMENT.** Section 19-14-06 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **19-14-06. Commissioner may adopt rules, take testimony, grant public hearings.**
25 The commissioner ~~of agriculture~~ may adopt rules pursuant to chapter 28-32 governing
26 applications for registration, the submission of samples for analysis, and all other matters
27 necessary to give effect to this chapter. The commissioner ~~of agriculture~~ may take expert and
28 other testimony whenever the commissioner deems testimony advisable and, upon request,
29 shall grant a public hearing prior to the cancellation of a registration and also to any
30 manufacturer or distributor whose request for registration of any livestock medicine has been
31 denied.

1 **SECTION 7. AMENDMENT.** Section 19-14-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **19-14-07. Enforcement of chapter.** The commissioner ~~of agriculture~~ shall enforce this
4 chapter by inspection, chemical analysis, and any other appropriate method. All samples for
5 analysis must be taken from stocks held within, or intended for sale in, this state. The
6 commissioner ~~of agriculture~~ may ~~call upon~~ require any manufacturer or distributor applying for
7 registration of a livestock medicine to supply samples of the medicine for analysis. The
8 commissioner may institute such action at law or in equity as may appear necessary to enforce
9 compliance with the provisions of this chapter, and in addition to any other remedy, may apply
10 to the district court for relief by injunction, mandamus, or any other appropriate remedy in
11 equity. In such actions, the commissioner is not required to give or post bond in any action to
12 which the commissioner is a party whether upon appeal or otherwise.

13 **SECTION 8. AMENDMENT.** Section 19-14-08 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **19-14-08. Penalty - Criminal - Civil.** Any person who ~~sells, offers, or exposes for sale,~~
16 ~~or has in possession with intent to sell, any livestock medicine in violation of~~ violates any of the
17 provisions of this chapter or any rule adopted pursuant to this chapter, or who willfully and
18 falsely represents that any livestock medicine is registered for sale in this state when in fact it is
19 not so registered, is guilty of a class B misdemeanor. In addition to the criminal penalty
20 provided in this section, a person who violates a provision of this chapter or a rule adopted
21 pursuant to this chapter is subject to a civil penalty not to exceed five hundred dollars per
22 violation. Each day of noncompliance constitutes a separate violation for purposes of penalty
23 assessments. The civil penalty may be imposed by a court in a civil proceeding or by the
24 agriculture commissioner through an administrative hearing pursuant to chapter 28-32.