

Wolf, Sheldon

From: Lee, Judy E.
Sent: Wednesday, February 8, 2023 1:52 PM
To: Wolf, Sheldon; Lahr, Pat; NDLA, Intern 02 - Pouliot, Lindsey
Subject: FW: NDVMA- Follow up Info on SB 2384
Attachments: Notes federal preemption on veterinary vaccines.docx

FYI and please load.

Senator Judy Lee
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From: Sam Vangsness <svangsness@clearwatercommunications.net>
Sent: Wednesday, February 8, 2023 12:04 PM
To: Lee, Judy E. <jlee@ndlegis.gov>; Cleary, Sean <scleary@ndlegis.gov>; Clemens, David <dclemens@ndlegis.gov>; Hogan, Kathy L. <khogan@ndlegis.gov>; Roers, Kristin <kroers@ndlegis.gov>; Weston, Kent <kweston@ndlegis.gov>
Subject: NDVMA- Follow up Info on SB 2384

Sen. Lee and the Senate Human Services Committee,

Thank you for your time yesterday to provide testimony *in opposition* to SB 2384 on behalf of ND Veterinary Medical Association (NDVMA). I wanted to follow up on Sen. Clemens question regarding the number of animal mRNA vaccines approved. NDVMA is aware of two companies with approved products – Merck Animal Health and Medgene.

Of note, the FDA does not handle the approval of animal vaccines and they are reviewed and approved by the USDA's Center for Veterinary Biologics (CVB). The Virus-Serum-Toxin Act (21 USC 151 *et seq*), administered by the USDA Center for Veterinary Biologics, preempts state law regulating the manufacturing or use of veterinary biological products. Therefore, States are not free to impose requirements which are different from, or in addition to, those imposed by USDA regarding the safety, efficacy, potency, or purity of a product. States may only add restrictions on the distribution and use of veterinary biologics when addressing local disease conditions. USDA has a mechanism for states to request restrictions on veterinary biological products (more information is included in the attachment). Requests must go to the USDA Center for Veterinary Biologics and must specify the restriction requested, explain why the restrictions are needed, and supporting documents, such as scientific literature, published or unpublished articles, or data from tests.

Please let me know if you have any further questions NDVMA may be able to assist in answering.

Thank you,
Sam

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