CHAPTER 4.1-43
LIVESTOCK MEDICINE

4.1-43-01. Definitions.

As used in this chapter:

1. "Livestock medicine" means all devices, remedies, cures, tonics, powders, proprietary medicines, type A medicated articles, and similar preparations for the treatment or prevention of any disease of livestock, poultry, or other domestic animals which are administered internally for their stimulating, invigorating, curative, or other than nutritive powers, and also all powders, sprays, dips, and other preparations for external use in the curing of scab or the eradication of ticks, lice, and other mites and parasites on livestock, poultry, or other domestic animals. The term does not include medicines that are manufactured, sold, or recommended primarily for human use.
2. "Type A medicated article" means a product with standardized potency containing one or more new animal drugs intended for use in the manufacture of another medicated article or a medicated feed.

4.1-43-02. Registration of livestock medicine.

The commissioner shall register any livestock medicine that does not violate this chapter, upon the completion of an application by the manufacturer or distributor of the livestock medicine and the payment of the registration fee prescribed in section 4.1-53-04. Registration of livestock medicine is valid for a two-year period beginning July first and ending June thirtieth of every even-numbered year unless it is canceled by the commissioner because a change is made in the ingredients or formula of the livestock medicine or in the name, brand, or trademark under which the medicine is sold. In the event of any change, the medicine must be registered once again through an original application with the commissioner.

The certificate of registration must include a disclosure of the name and quantity or proportion of each active ingredient and the names of the inert ingredients or fillers.

4.1-43-03. Regulations for sale.

A person may not sell, offer for sale, expose for sale, or possess with the intent to sell, any livestock medicine:

1. That is sold under a name, brand, trademark, or labeling that is misleading, deceptive, false, or dangerous to animals under the conditions of use prescribed in the labeling or advertising;
2. That purports to cure any infectious disease of domestic animals for which no genuine cure is known;
3. That has not been registered by the commissioner for sale in this state;
4. That does not have printed or written upon the label of each package sold at retail, in type not less than one-fourth the size of the largest type on the package:
   a. The common name, in English, of all active ingredients in the order of their predominance in the product;
   b. A statement of the actual percentage or relative amounts of each ingredient active and inert, unless exemptions are established by rules adopted by the commissioner;
   c. The net contents, by weight, measure, or numerical count of the package;
   d. The name and principal address of the manufacturer or person responsible for placing the livestock medicine on the market; and
   e. Complete and explicit directions for use of the medicine.
5. If the contents of the package as originally manufactured have been removed in whole or in part, and other contents have been placed in the package.

4.1-43-04. Registration fee.

A registration fee of forty dollars must be paid to the commissioner for each livestock medicine that is registered prior to each two-year registration ending June thirtieth of every

even-numbered year. An application for registration which is received by the commissioner after July thirty-first of the year in which the application is due must be assessed an additional late registration fee of ten dollars.

4.1-43-05. Commissioner may cancel registration.

The commissioner may cancel the registration of any livestock medicine that is sold in violation of this chapter.

4.1-43-06. Commissioner may adopt rules, take testimony, grant public hearings.

The commissioner may adopt rules under chapter 28-32, governing applications for registration, the submission of samples for analysis, and all other matters necessary to give effect to this chapter. The commissioner may take expert and other testimony and, upon request, shall grant a public hearing prior to the cancellation of a registration and also to any manufacturer or distributor whose request for registration of any livestock medicine has been denied.

4.1-43-07. Enforcement.

The commissioner shall enforce this chapter through inspection, chemical analysis, and any other appropriate method. All samples for analysis must be taken from stocks held within, or intended for sale in, this state. The commissioner may require any manufacturer or distributor applying for registration of a livestock medicine to supply samples of the medicine for analysis. The commissioner may institute any action at law or in equity as may appear necessary to enforce compliance with the provisions of this chapter, and in addition to any other remedy, may apply to the district court for relief by injunction, mandamus, or any other appropriate remedy in equity. In such actions, the commissioner is not required to give or post bond in any action to which the commissioner is a party whether upon appeal or otherwise.

4.1-43-08. Penalty - Criminal - Civil.

It is a class B misdemeanor for any person to willfully violate a provision of this chapter or any rule adopted under this chapter, or who willfully and falsely represents that any livestock medicine is registered for sale in this state. A person who violates a provision of this chapter or a rule adopted under this chapter is subject to a civil penalty not to exceed five hundred dollars per violation. Each day of noncompliance constitutes a separate violation for purposes of penalty assessments. The civil penalty may be imposed by a court in a civil proceeding or by the commissioner through an administrative hearing under chapter 28-32.