Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2111

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

A BILL for an Act to amend and reenact section 19-13.1-07 of the North Dakota Century Code, relating to the adulteration of commercial feeds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-13.1-07 of the North Dakota Century Code is amended and reenacted as follows:

19-13.1-07. Adulteration. No person may distribute an adulterated feed. A commercial feed or customer-formula feed is adulterated:

1. a. If it bears any poisonous or deleterious substance that may render it injurious to health. If the substance is not an added substance, the commercial feed is not considered adulterated if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health;
   b. If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance that is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act as amended [Pub. L. 75-717; 52 Stat. 1049; 21 U.S.C. 346] other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive;
   c. If it is, or it bears or contains, any food additive that is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act as amended [Pub. L. 85-929; 72 Stat. ~~1788~~ 1785; 21 U.S.C. ~~3481~~ 348];
   d. If it is a raw agricultural commodity and it bears or contains a pesticide chemical that is unsafe within the meaning of section 408a of the Federal Food, Drug, and Cosmetic Act as amended [Pub. L. 85-791; 68 Stat. 511; 21 U.S.C. 346a]. Except that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a

tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act as amended [Pub. L. 85-791; 68 Stat. 511; 21 U.S.C. 346a] and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed may not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408a of the Federal Food, Drug, and Cosmetic Act as amended [Pub. L. 85-791; 68 Stat. 511; 21 U.S.C. 346a];

e. If it is, or it bears or contains, any color additive that is unsafe within the meaning of section ~~706~~ 721 of the Federal Food, Drug, and Cosmetic Act as amended [~~Pub. L. 75-717; 52 Stat. 1058; 21 U.S.C. 376~~ Pub. L. 102-571; 106 Stat. 4498; 21 U.S.C. 379e]; or

f. If it is, or it bears or contains, any new animal drug which is unsafe within the meaning of section 512 of the Federal Food, Drug, and Cosmetic Act as amended [Pub. L. 90-399; 82 Stat. 343; 21 U.S.C. 360b]~~.~~;

2. If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor~~.~~;

3. If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling~~.~~;

4. If it contains added hulls, screenings, straw, cobs, or other high fiber material unless the name of each such material is stated on the label~~.~~;

5. If it contains viable weed seeds in amounts exceeding the limits which the commissioner shall establish by rule~~.~~;

6. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules adopted by the commissioner to assure that the drug

meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics that it purports or is represented to possess.;

7. If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for feed;

8. If it has been prepared, packed, or held under unsanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

9. If it is, in whole or in part, the product of a diseased animal or of an animal that has died otherwise than by slaughter which is unsafe within the meaning of section 402 (a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act, as amended [Pub. L. 75-717; 52 Stat. 1046; 21 U.S.C. 342];

10. If its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health; or

11. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, as amended [Pub. L. 85-929; 72 Stat. 1785; 21 U.S.C. 348].