

**As Introduced**

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

**H. B. No. 560**

**Representative Lanese**

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**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