

Alabama State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Alteration of Dating Labels
 - 1. These regulations prohibit manufacturers from altering “sell-by” labels in certain ways. They are intended to protect transparency and the integrity of the label.
 - 2. [Ala. Code § 20127](#)
 - 3. [Ala. Admin. Code 80122.36](#)
 - ii. Sale of Expired Foods
 - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
 - 2. [Ala. Code § 20127](#)
 - b. Meat
 - i. Date Labeling and Sale of Expired
 - 1. These laws either provide specific date labeling requirements or restrict the sale of meat to customers past the expiration date provided.
 - 2. [Ala. Admin. Code 80-1-22-.36](#)
 - c. Milk
 - i. Grade “A” Milk
 - 1. The Pasteurized Milk Ordinance, or “PMO,” is a basic standard used for the processing and packaging of Grade “A” milk. Some states adopt this model standard and others set their own standards that are at least as stringent as the PMO. These state standards apply both to milk processed within the state and milk sold in the state from across lines.
 - 2. [Ala. Admin. Code r. 420-3-16-.08](#)
 - d. Oleomargarine (“Margarine”)
 - i. Labeling
 - 1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
 - 2. [Ala. Admin. Code r. 80-13-1-.12](#)
 - 3. [Ala. Admin. Code r. 80-13-4-.03](#)
 - e. Prepackaged Foods
 - i. Date Labels
 - 1. These regulations impose date labeling requirements on foods or drinks that have been pre-packaged prior to sale.
 - 2. [Ala. Code § 20-1-27](#)

- f. Potentially Hazardous Foods
 - i. Date Labels
 - 1. These laws require date labels on potentially hazardous foods offered for sale. Potentially hazardous foods are defined as goods with the potential for rapid bacterial growth. Often, they include foods that have been heat-treated and require temperature controls.
 - 2. Ala. Code § 20-1-27
 - 3. Ala. Admin. Code 80-1-22-.36
 - g. Baby Food
 - i. Date Labels
 - 1. These laws require baby food containers be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - 2. Ala. Code § 20-1-27
 - ii. Sale of Expired
 - 1. These laws prohibit the sale of baby food past the “sell-by” or expiration date designated on the product.
 - 2. Ala. Code § 20-1-27
 - h. Infant Formula
 - i. Sale of Expired
 - 1. These laws prohibit the sale of infant formula past its expiration date. They are intended to prevent babies from ingesting formula that is of inferior quality or nutritional value, as well as that which may pose health risks.
 - 2. Ala. Code § 20-1-27
 - i. Cottage Food Production
 - i. Labeling, Production, and Restriction of Sale
 - 1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.
 - 2. AL ST § 22-20-5.1
- II. Alcohol
 - a. Beer, Wine, and Liquor
 - i. Licensing
 - 1. These laws impose licensing requirements on producers of alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state’s ability to enforce such regulations even if they would otherwise preempted by PICA.
 - 2. Ala. Admin. Code r. 20-X-8-.02
 - ii. Import

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1. These laws impose requirements governing the importation of alcoholic products into the state. However, it should be noted that the Twenty-First Amendment may protect a state's ability to enforce such regulations even if they would otherwise be preempted by PICA.
 2. Ala. Admin. Code r. 20-X-8-.04
 3. Ala. Admin. Code r. 20-X-8-.05
 - iii. Recordkeeping
 1. These laws impose recordkeeping requirements on producers of alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state's ability to enforce such regulations even if they would otherwise be preempted by PICA.
 2. Ala. Admin. Code r. 20-X-8-.01
- III. Drugs
 - a. Recreational
 - i. Salvia
 1. Salvia divinorum or "Salvia" is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 2. AL ST § 13A-12-214.1
 - ii. Kratom
 1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
 2. AL ST § 28-11-15
 - b. Tobacco
 - i. Minimum Age Requirements
 1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
 2. AL ST § 28-11-15
 - ii. Fire Safety Standards
 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 2. Ala. Code § 8-17-272
 3. Ala. Code § 8-17-273
 4. Ala. Code § 8-17-274

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- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. None
- VII. Live Animal Imports
 - a. Authorizations
 - i. Authority to Quarantine
 - 1. These laws establish the authority of state officials to impose embargoes, quarantines, or other regulations restricting the importation of agricultural products coming into the state. They are intended to affirm the state's police powers and ability to protect local interests from pests and disease.
 - 2. Ala.Code 1975 § 2-25-13
 - b. Birds
 - i. Avian Influenza and Newcastle Disease
 - 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 - 2. Ala. Admin. Code r. 80-3-6-.35
 - 3. Ala. Admin. Code r. 80-3-18-.02 et seq.
 - c. Cattle and Bison
 - i. Anthrax
 - 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 - 2. Ala. Admin. Code r. 80-3-6-.07
 - 3. Ala. Admin. Code r. 80-3-6-.13
 - 4. <http://agi.alabama.gov/divisions/veterinary-diagnostic-labs/reportable-diseases/list-of-reportable-diseases>
 - ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
 2. Ala. Admin. Code r. 80-3-1-.11
 3. Ala. Admin. Code r. 80-3-6-.38
- iii. Bovine Tuberculosis
1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
 2. Ala. Admin. Code r. 80-3-7-.04
 3. Ala. Admin. Code r. 80-3-7-.07
- iv. Rabies
1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
 2. Ala. Admin. Code r. 80-3-6-.07
 3. Ala. Admin. Code r. 80-3-6-.13
 4. <http://agi.alabama.gov/divisions/veterinary-diagnostic-labs/reportable-diseases/list-of-reportable-diseases>
- d. Cervids
- i. Chronic Wasting Disease (“CWD”): Embargo
 1. Like mad cow disease in cattle, chronic wasting disease in cervids is a degenerative neurologic disease caused by an infectious agent known as a prion (a malfunctioning protein in the brain and nervous system). It causes muscle loss, deterioration of the brain and, eventually, death. It is found in both wild and captive deer populations. These laws prohibit all cervid imports in order to

curb the spread of chronic wasting disease and protect local deer populations.

2. Ala. Admin. Code r. 220-2-.26

e. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. Ala. Admin. Code r. 80-10-11-.04

3. Ala. Admin. Code r. 80-10-11-.05

4. Ala. Code 1975 § 2-14-4

ii. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.

2. Ala. Code 1975 § 2-14-10

iii. Bee Transportation Requirements

1. These laws regulate the movement of bees into or through the state. Some require bees to be packaged or housed a certain way, impose temperature requirements, or require documentation to accompany them.

2. Ala. Code 1975 § 2-14-4

f. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.

2. Ala. Admin. Code r. 80-3-4-.03 et seq

g. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In

addition, many states require negative testing or certification prior to importation.

2. Ala. Admin. Code r. 80-3-6-.37
3. Ala. Admin. Code r. 80-3-6-.18

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
2. Ala. Admin. Code r. 80-3-2-.02

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
2. Ala. Admin. Code r. 80-3-6-.07
3. Ala. Admin. Code r. 80-3-6-.13

i. Exotic Meats

i. Snake

1. These laws impose import conditions on live snakes. To the extent that imported snakes are raised for meat for human consumption, they may be considered agricultural products.
2. Ala. Admin. Code r. 220-2-.26

VIII. Companion Animals

a. None

IX. Products for Animals

a. Pet Food

i. Requirements of Manufacturers

1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
2. Ala.Code § 2-21-19
3. Ala. Code § 2-21-24

X. Dead Animals and Animal Parts

a. None

XI. Invasive Pests, Plants, and Disease

a. Ash Trees

i. Emerald Ash Borer

1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area

within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.

2. Ala. Admin. Code r. 80-10-20-.05

b. Citrus Trees

i. Citrus Aphid

1. These laws restrict the importation of citrus plants that may be carrying citrus aphids in order to protect local plants and production.

2. Ala. Admin. Code r. 80-10-19-.01

ii. Citrus Greening Disease and the Asian Citrus Psyllid

1. These laws impose quarantine requirements or other conditions on importation of nursery stock or other plants that may be carrying the psyllid or other vectors of the pathogen that causes citrus greening disease. The disease destroys the quality and production of citrus trees. Infected plants ultimately die. These laws are imposed in addition to federal requirements in order to protect local citrus producers and native tree populations.

2. Ala. Admin. Code r. 80-10-19-.05

3. Ala. Admin. Code r. 80-10-19-.07

c. Peach, Plum, Apricot, Nectarine, and Almond Trees

i. Phony Peach Disease

1. These laws impose quarantines on other import restrictions on plants or plant products that have been known to carry *Xylella fastidiosa*, the bacteria that causes phony peach disease. These regulations are intended to protect local fruit tree stocks and limit the spread of the disease that stops infected trees from bearing fruit.

2. Ala. Admin. Code r. 80-10-7-.04

3. Ala. Admin. Code r. 80-10-7-.05

d. Pine Trees

i. Pine Shoot Beetle

1. The pine shoot beetle attacks new shoots of pine trees, stunting their growth, and causing their death in areas of high concentration. These laws supplement federal law and establish additional quarantine requirements, prohibit the importation of regulated articles, or otherwise require inspection of regulated articles prior to import.

2. Ala. Admin. Code r. 80-10-15-.01

3. Ala. Admin. Code r. 80-10-15-.03

4. Ala. Admin. Code r. 80-10-15-.04

5. Ala. Admin. Code r. 80-10-15-.06

e. Cotton

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- i. Boll Weevil and Pink Bollworm
 1. The boll weevil and pink bollworm are both insects that feed on cotton buds and seeds and led to the devastation of the cotton industry in the 1920's. These laws are intended to supplement federal regulations. They impose quarantines, restrict movement of products, and establish programs to treat all infected cotton with pesticides.
 2. AL ST § 2-19-129
- f. Produce Generally
 - i. Fruit Flies
 1. Most of these laws require a certification of inspection or treatment for fruit flies prior to importing produce into the state for sale. They apply to various species of fruit fly and are intended to limit the spread of these insects.
 2. Ala. Admin. Code r. 80-10-19-.01
- g. Various Other Plants
 - i. European Brown Garden Snails
 1. The European brown garden snail is a plant feeder that is very destructive to host plants and readily transported on infested nursery stock. These laws impose restrictions such as inspection requirements, fumigation, quarantines, or bans of infected or potentially infected plants.
 2. Ala. Admin. Code r. 80-10-8-.04
 3. Ala. Admin. Code r. 80-10-8-.03
 4. Ala. Admin. Code r. 80-10-8-.06
 - ii. Fire Ants
 1. Fire ants cause damage to both agricultural crops and nursery stock. They spread through soil, manure, on the roots of nursery stock, and on earth-moving equipment, principally in the South. These laws require inspections, certifications, and quarantines of soil, nursery stock, equipment, etc. to prevent the spread of this disease.
 2. Ala. Admin. Code r. 80-10-6-.01
 3. Ala. Admin. Code r. 80-10-6-.03
- h. Nursery Imports Generally
 - i. Labeling, Testing, and Other Requirements
 1. These laws require shipments of plants or plant seeds entering the state to be properly labeled with information about the producer as well as about where the plants were grown. Some require disease testing information to be included as well.
 2. Ala.Code 1975 § 2-25-40
 3. Ala.Code 1975 § 2-25-42
- i. Noxious Weeds

1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 2. Ala. Admin. Code r. 80-10-14-.04
 - j. Noxious Weed Seeds
 1. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.
 2. Ala. Admin. Code r. 80-11-1-.05
 - k. Soil and Fertilizer
 - i. Labeling and Registration
 1. These laws impose conditions on the labeling of soils, fertilizers, and other horticultural growing materials, including specific provisions for certain ingredients, provenance, and the like. Some require producers to disclose the use of waste-derived products, arsenic, mercury, poisons, and other materials. Other regulations require that manufacturers register prior to selling such products within the state. These laws are intended to inform consumers and increase producer transparency.
 2. Ala. Admin. Code r. 80-1-6-.07
 3. Ala. Admin. Code r. 80-1-6-.03
- XII. Procurement
 - a. Agricultural Goods
 1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 2. Ala.Code 1975 § 41-16-57
 3. Ala.Code 1975 § 41-16-27
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. Poisons of Agricultural Origin
 - i. Bitter Almonds
 1. Unlike sweet almonds, bitter almonds are toxic to humans. Though they are similar in appearance to sweet almonds, bitter almonds contain exponentially higher amounts of cyanide-compounds. Once heat-treated, bitter almonds can be used to make almond extract; however, in their raw form, the

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nuts can be lethal to humans even in small doses of only ten or more nuts if consumed by a child. Several states regulate labeling of bitter almonds or otherwise prohibit their sale as a poison.

2. Ala.Code 1975 § 22-20-11