

## Delaware State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Code Del. Regs. 4458-3-202
    - b. Shellfish
      - i. Date Labels
        - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
        - 2. 16 Del. Admin. Code 4458-3-202
        - 3. 16 Del. Admin. Code 4000-FOOD-1-101.10
      - ii. Sourcing Requirements
        - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
        - 2. 16 Del. Admin. Code 4000-3-201.15
        - 3. 16 Del. Admin. Code 4458-3-201
    - c. Mushrooms
      - i. Sale of Wild Mushrooms
        - 1. These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
        - 2. 16 Del. Admin. Code 4000-FOOD-3-201.16
      - ii. Wild Mushroom Processing and Licensing
        - 1. These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.
        - 2. 16 Del. Admin. Code 4458-3-201
- II. Alcohol
  - a. None
- III. Drugs
  - a. Recreational

## Delaware State Laws Affected by H.R. 4879

- 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. DE ST TI 16 § 4714
  - b. Tobacco
    - i. 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. Del. Code Ann. tit. 16, § 7117
      3. Del. Code Ann. tit. 16, § 7118
      4. Del. Code Ann. tit. 16, § 7119
- IV. Fishing
  - a. Ocean Fishing: Commercial and Sport
    - i. License or Permit Requirements
      1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
      2. 7 Del.C. § 928
- V. Wood and Lumber
  - a. Christmas Trees
    - i. Import Requirements
      1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
      2. 3 Del.C. § 1306
- VI. Home Goods and Products
  - a. Furniture and Bedding
    - i. Label Laws
      1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
      2. Del. Code Ann. tit. 16, § 2106
      3. Code Del. Regs. 16 4000 4460

## Delaware State Laws Affected by H.R. 4879

- ii. Down or Feather Filler Materials
  1. These laws regulate down or feather materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
  2. Del. Code Ann. tit. 16, § 2102
  3. Del. Code Ann. tit. 16, § 2103
  4. Del. Code Ann. tit. 16, § 2106
- iii. Hair Filler Materials
  1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
  2. Del. Code Ann. tit. 16, § 2106
- iv. Sterilization and Sanitation Requirements
  1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
  2. 16 Del. Admin. Code 4460-5.0
  3. Del. Code Ann. tit. 16, § 2102
  4. Del. Code Ann. tit. 16, § 2105
  5. Code Del. Regs. 16 4000 4460
- v. Registration, Licensing, and Permits
  1. These laws impose registration, licensing, or permitting requirements on producers or manufacturers of bedding and other products such as mattresses.
  2. Del. Code Ann. tit. 16, § 2103
  3. Del. Code Ann. tit. 16, § 2108
  4. Del. Code Ann. tit. 16, § 2109
  5. Code Del. Regs. 16 4000 4460
- vi. Inspections
  1. These regulations require inspections for certain bedding or stuffed materials offered for sale.
  2. Del. Code Ann. tit. 16, § 2111
  3. Code Del. Regs. 16 4000 4460
- VII. Live Animal Imports
  - a. Aquaculture
    - i. Fish for Fertilizer
      1. This law prohibits the importation of fish for the purpose of making fertilizer.
      2. Del. Code Ann. tit. 7, § 926
  - 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. 3 Del. Admin. Code 901-2.0
  3. 3 Del. Admin. Code 904-15.0 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. 16 Del. Admin. Code 4202-10.0
    3. 16 Del. Admin. Code 4202 Appendix I
  - 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. Del. Code Ann. tit. 3, §7301
    3. 3 Del. Admin. Code 904-4.0
  - iii. 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. 16 Del. Admin. Code 4202-10.0

3. 16 Del. Admin. Code 4202 Appendix I
- d. Cervids
  - i. Chronic Wasting Disease (“CWD”): Restrictions
    1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
    2. 3 Del. Admin. Code 905-4.0
- 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. 3 Del.C. § 7510
  - ii. Prohibition on Africanized Bees
    1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.
    2. 3 Del.C. § 7509
- 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. 3 Del. Admin. Code 904-6.0
- 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. 3 Del. Admin. Code 902-4.0

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. 3 Del. Admin. Code 904-7.0

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. 16 Del. Admin. Code 4202-10.0

3. 16 Del. Admin. Code 4202 Appendix I

VIII. Companion Animals

a. Dogs and Cats

i. Lemon Laws

1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.

2. 6 Del.C. § 4002(a)(1)- (5)

3. 6 Del.C. 4003(a)

4. 6 Del.C. 4003(b)

5. 6 Del.C. § 4009(a)

6. 6 Del.C. § 4009(b)

7. 6 Del.C. § 4011

ii. Veterinary Inspection Requirements

1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.

## Delaware State Laws Affected by H.R. 4879

- 2. 3 Del. Admin. Code 904-1.0
- IX. Products for Animals
  - a. None
- X. Dead Animals and Animal Parts
  - a. Fur
    - i. Fur Labeling
      - 1. These laws regulate the labeling of real and faux fur and extend beyond what is required federally. They are intended to increase transparency and reduce misrepresentation.
      - 2. Del. Code Ann. tit. 6, § 2508
- XI. Invasive Pests, Plants, and Disease
  - a. 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. 3 Del. Admin. Code 801-3.0
- XII. Procurement
  - a. None
- XIII. General Prohibitions
  - a. None
- XIV. Miscellaneous
  - a. None