

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

- I. Food
  - a. Ginseng
    - i. Import Certification Requirements
      - 1. These laws require that ginseng imported from out of state be accompanied by documentation from the state where it was harvested. These laws are intended to prevent trafficking in illegally obtained or poached wild ginseng.
      - 2. IDAPA 02.06.40.250
  - b. 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. IDAPA 02.02.14.250
  - c. 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. IDAPA 16.02.19.110
- II. Alcohol
  - a. None
- III. Drugs
  - a. 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. Idaho Code Ann. § 39-8901
      - 3. Idaho Code Ann. § 39-8902
      - 4. Idaho Code Ann. § 39-8903
      - 5. Idaho Code Ann. § 39-8904
      - 6. Idaho Code Ann. § 39-8905
- IV. Fishing
  - a. None

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- V. Wood and Lumber
  - a. None
- VI. Home Goods and Products
  - a. None
- VII. Live Animal Imports
  - a. Genetically Modified Organisms
    - i. Import
      - 1. These laws place restrictions on the importation into the state of genetically modified plants or animals that may adversely impact human health or safety as well as local agriculture or wildlife.
      - 2. I.C. § 22-2016
  - 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. IDAPA 02.04.03.302
  - 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. IDAPA 02.04.21.200 cattle
      - 3. IDAPA 02.08.01.010
      - 4. IDAPA 16.02.10.050
    - 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. Rules IDAPA 02.04.200 et. seq.

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. IDAPA 02.04.21.240

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. IDAPA 02.04.21.200

3. IDAPA 02.08.01.010

4. IDAPA 16.02.10.050

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. IDAPA 02.04.19.014

3. IDAPA 02.04.21.600

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. Idaho Admin. Code 02.06.30.200
- 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. IDAPA 02.04.21.004
- 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. IDAPA 02.08.01.100
  - ii. Scabies
    1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.
    2. IDAPA 02.08.01.100
    3. IDAPA 02.08.01.102
- 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. IDAPA 02.04.21.402
  - 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. IDAPA 02.04.21.400
  3. IDAPA 02.08.01.010
  4. IDAPA 16.02.10.050
  5. IDAPA 02.04.03.309
- i. Exotic Meats
    - i. Bison
      1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
      2. IDAPA 02.04.21.202
- VIII. Companion Animals
- a. Dogs and Cats
    - i. 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.
      2. IDAPA 02.04.21.500
- IX. Products for Animals
- a. Prohibited Foods
    - i. Feed Garbage to Swine
      1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
      2. IDAPA 02.04.21.400
- X. Dead Animals and Animal Parts
- a. Animal Carcasses and Grease
    - i. Transport Requirements: Use of Leakproof Container
      1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others

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impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.

### 2. IDAPA 02.04.17.040

## XI. Invasive Pests, Plants, and Disease

### a. Soybeans and Green Beans

#### i. Kudzu Bugs

1. These laws restrict the importation of products that may be carrying the khapra beetle, a destructive insect that destroys grains and other foods. They are intended to limit the spread of the invasive beetle and protect local crops from damage.

#### 2. IDAPA 02.06.09.101

#### 3. IDAPA 02.06.09.806

### b. 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. IDAPA 02.06.22.010

## XII. Procurement

### a. Agricultural Goods

i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.

#### ii. I.C. § 67-2349

## XIII. General Prohibitions

### a. None

## XIV. Miscellaneous

### a. None