

Kentucky 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. 902 Ky. Admin. Regs. 45:020
 - 3. 902 Ky. Admin. Regs. 50:010
 - 4. 902 Ky. Admin. Regs. 50:080
 - 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. 902 Ky. Admin. Regs. 50:080
 - b. Dairy
 - i. Date Labels
 - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - 2. 902 Ky. Admin. Regs. 50:010
 - 3. 902 Ky. Admin. Regs. 50:080
 - 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. 902 Ky. Admin. Regs. 50:110
 - d. 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. 902 Ky. Admin. Regs. 45:020
- 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. KRS § 244.440

ii. Labeling

1. These laws impose labeling requirements on 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. 804 KAR 1:030

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. KRS § 244.150

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. KY ST § 218A.010

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. Ky. Rev. Stat. Ann. § 227.772

3. Ky. Rev. Stat. Ann. § 227.773

4. Ky. Rev. Stat. Ann. § 227.774

5. Ky. Rev. Stat. Ann. § 227.775

6. Ky. Rev. Stat. Ann. § 227.776

IV. Fishing

a. None

V. Wood and Lumber

a. None

VI. Home Goods and Products

a. Furniture and Bedding

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. 302 Ky. Admin. Regs. 20:040
3. 302 Ky. Admin. Regs. 20:250

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. 302 Ky. Admin. Regs. 20:020
3. 302 Ky. Admin. Regs. 21:005

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. 302 Ky. Admin. Regs. 20:055

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. 302 Ky. Admin. Regs. 20:040

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. 302 Ky. Admin. Regs. 20:020
3. 302 Ky. Admin. Regs. 21:005

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. 302 Ky. Admin. Regs. 20:040

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. KRS § 252.190

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. KRS § 252.200

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. 302 Ky. Admin. Regs. 20:040

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. 302 Ky. Admin. Regs. 20:040

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. 302 Ky. Admin. Regs. 20:040

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. 302 Ky. Admin. Regs. 20:040

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. 302 Ky. Admin. Regs. 20:020

3. 302 Ky. Admin. Regs. 20:115

4. 302 Ky. Admin. Regs. 21:005

i. Exotic Meats

i. Turtle

1. These laws impose import conditions on live turtles. To the extent that imported turtles are raised for human consumption, as pets, or as livestock, they may be considered agricultural products. These laws are intended to prevent the spread of salmonella and other diseases, as well as to ensure safe handling processes.

2. 301 Ky. Admin. Regs. 2:081

ii. Ostrich and Other Ratites

1. These regulations require that ostrich and other ratites be accompanied by a certification of veterinary inspection prior to

- import. They are intended to protect local ostrich farming operations and ensure that ostrich meat and other products are healthy and free from disease.
 - 2. 302 Ky. Admin. Regs. 20:040
 - iii. 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. 302 Ky. Admin. Regs. 20:040
- 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. 302 Ky. Admin. Regs. 20:040
- 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. 302 Ky. Admin. Regs. 20:040
- X. Dead Animals and Animal Parts
 - a. None
- XI. Invasive Pests, Plants, and Disease
 - a. Cotton
 - 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. KY ST § 247.6054
 - b. Noxious Weed Seeds

Kentucky State Laws Affected by H.R. 4879

- i. 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.
 - ii. 12 Ky. Admin. Regs. 1:120
- 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. KRS § 45A.645
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. None