

Louisiana State Laws Affected by H.R. 4879

Source: Harvard Law School Animal Law & Policy Program, Analysis of the “Protect Interstate Commerce Act of 2018” H.R. 4879. 2018. Available at animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/

- I. Food
 - a. Food Safety
 - i. Date Packaged, Produced, or Harvested
 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 2. 7 La. Admin. Code Pt V, 929
 - b. 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. La. Admin Code. tit. 51, Pt VII, § 355
 - c. Eggs
 - i. Date Labels
 1. These laws require egg containers to be marked with a "sell-by" label to indicate the date by which the product should be sold to consumers
 2. 7 La. Admin. Code Pt V, 929
 - d. Fresh Produce Generally
 - i. Shipment Standards
 1. These laws impose requirements on the transport of produce into and within the state. Some include labeling or packaging requirements to ensure transparency.
 2. La. Admin Code. tit. 7, Pt V, §1131
 3. La. Admin Code. tit. 7, Pt V, §1129
 - e. Citrus
 - i. Maturity and Quality Standards
 1. These laws impose restrictions on the types of citrus that may be offered for sale in the state to ensure that it is fit for consumption and adheres to certain quality standards. Some require that fruit not be damaged or degraded in particular ways. Others require that it be mature and ripe prior to sale or ensure that it comes from a licensed manufacturer.
 2. La. Admin Code. tit. 7, Pt V, § 1115
 - f. Cabbage

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- 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. La. Rev. Stat. Ann. § 40:989.2
 - 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. La. Stat. Ann. § 40:1628
 3. La. Stat. Ann. § 40:1629
 4. La. Stat. Ann. § 40:1630
- IV. Fishing
 - a. Ocean Fishing: Commercial and Sport
 - i. Equipment Requirements, Harvest Techniques, and Prohibitions
 1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
 2. La. Stat. Ann. § 56:320
 3. La. Stat. Ann. § 56:321
 4. La. Stat. Ann. § 56:322
 5. La. Stat. Ann. § 56:323
 6. La. Stat. Ann. § 56:324
 7. La. Stat. Ann. § 56:404
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. None
- VII. Live Animal Imports
 - a. Aquaculture
 - i. Invasive Aquatic Fish
 1. These laws regulate the importation of invasive aquatic fish into the state. They are intended to protect native populations and prevent damage to the ecosystem.
 2. La. Admin Code. tit. 76, Pt VII, § 1101
 - 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. La. Admin Code. tit. 7, Pt XXI, § 105
 3. La. Admin Code. tit. 7, Pt XXI, § 531
- 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. La. Admin Code. tit. 7, Pt XXI, § 501
 3. La. Admin Code. tit. 7, Pt XXI, § 105
 - 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. La. Admin Code. tit. 7, Pt XXI, § 511
 - 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. La. Admin Code. tit. 7, Pt XXI, § 733

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. La. Admin Code. tit. 7, Pt XXI, § 501
3. La. Admin Code. tit. 7, Pt XXI, § 105

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. La. Admin Code. tit. 76, Pt V, §119
3. La. Admin Code. tit. 7, Pt XXI, § 1717

e. Bees

i. 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. La. Admin Code. tit. 7, Pt XV, § 515
3. La. Admin Code. tit. 7, Pt XV, § 503

ii. Destruction or Treatment of Colonies with American Foulbrood

1. These regulations work to limit the spread of American Foulbrood, a hive-destroying mite that can spread between colonies. Some require the immediate destruction of entering hives found to contain American Foulbrood. Others require hives to be sprayed or treated for Foulbrood prior to import into the state.
2. La. Admin Code. tit. 7, Pt XV, § 517

iii. Disease Free Certification for Sale

1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.
2. La. Admin Code. tit. 7, Pt XV, § 513

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. La. Admin Code. tit. 7, Pt XXI, § 521
- 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. La. Admin Code. tit. 7, Pt XXI, § 1503
 3. La. Admin Code. tit. 7, Pt XXI, § 555
 - 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. La. Admin Code. tit. 7, Pt XXI, § 551
- 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. La. Admin Code. tit. 7, Pt XXI, § 1312
 - 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

regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.

2. La. Admin Code. tit. 7, Pt XV, § 167

b. Citrus Trees

i. 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. La. Admin Code. tit. 7, Pt XV, §127

3. La. Admin Code. tit. 7, Pt XV, §123

c. Citrus Budwood

i. Import Out-of-State Citrus Budwood

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. La. Admin Code. tit. 7, Pt XV, §127

d. 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. La. Admin Code. tit. 7, Pt XV, §129

3. La. Admin Code. tit. 7, Pt XV, §123

e. Oak Trees

i. Oak Wilt

1. These laws impose quarantines or restrictions on products and nursery stock that may be carrying *Ceratocystis fagacearum*, the fungus responsible for oak wilt. Some require wood be treated prior to entry in order to ensure it does not spread the fungus. Oak wilt is an infectious disease that leads to the death of a variety of types of oak trees by disabling the tree's ability to conduct water. These regulations seek to protect local trees and curb the spread of the infection.

2. La. Admin Code. tit. 7, Pt XV, § 123
- f. Palms
 - i. Date Palm and Coconut Palm: Lethal Yellowing
 1. These laws impose quarantines and other conditions on the importation of palms that may have been exposed to lethal yellowing disease. They are intended to protect against the spread of the disease to local trees.
 2. La. Admin Code. tit. 7, Pt XV, § 123
- g. Sweet Potatoes
 - i. Sweet Potato Weevils
 1. These laws impose quarantines or other import conditions on the interstate movement of sweet potatoes or other host materials. They are intended to protect local crops from the pests that render infested crops bitter, odiferous, and inedible.
 2. La. Admin Code. tit. 7, Pt XV, § 133
 3. La. Admin Code. tit. 7, Pt XV, § 123
- h. 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. La. Admin Code. tit. 7, Pt XV, § 305
 3. La. Admin Code. tit. 7, Pt XV, § 153
 4. La. Admin Code. tit. 7, Pt XV, § 123
- i. 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. La. Admin Code. tit. 7, Pt XV, § 131
- j. Noxious Weeds
 - i. 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.
 - ii. La. Admin Code. tit. 7, Pt XIII, § 109
 - iii. LSA-R.S. 3:1791

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- iv. La. Admin Code. tit. 76, Pt VII, § 1101
 - 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. LSA-R.S. 3:1413
- 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. LSA-R.S., § 38:2251
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. Animal Blood
 - i. Prohibition on Consumption
 - 1. These laws prohibit the consumption of animal blood and animal waste, though the sale of these products for other uses is permitted. While both are agricultural products, it is an open question whether such a prohibition is restrictive enough so as to constitute a ban or partial ban.
 - 2. LSA-R.S. 14:107.1