

Maryland 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. Md. Code Regs. 10.15.06.10
 - 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. Md. Code Regs. 10.15.06.1
 - 3. Md. Code Regs. 10.15.06.10
 - 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. Md. Code Regs. 10.15.06.10
 - 3. Md. Code Regs. 10.15.06.11
 - c. 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. COMAR 15.03.03.04
 - d. 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. MD HEALTH GEN § 21-330.1
- II. Alcohol
 - a. None
- III. Drugs
 - a. Recreational
 - i. Salvia

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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. MD Code, Criminal Law, § 10-132
 - 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. Md. Code Ann., Bus. Reg. § 16-603
 3. Md. Code Ann., Bus. Reg. § 16-604
- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. Children’s Products and Upholstery
 - i. Chlorinated TRIS (TDCPP) and TCEP
 1. These laws restrict the use or impose requirements on the use of chlorinated TRIS and other flame-retardant chemicals in children’s products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from the chemicals’ potentially toxic or carcinogenic effects, to which young children are particularly susceptible. These laws could be preempted to the extent that TDCPP or TCEP are applied to agricultural products, which may include items such as furniture, changing pads, and bedding.
 2. MD Code, Health - General, § 24-306
- VII. Live Animal Imports
 - a. 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. COMAR 15.11.01.01
 3. COMAR 15.11.01.04
 4. MD Code, Agriculture, § 3-104

5. <http://mda.maryland.gov/AnimalHealth/Pages/diseases-reportable.aspx>
- 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. COMAR 15.11.01.04
- 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. COMAR 15.11.01.04
- 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. COMAR 15.11.01.01
 3. COMAR 15.11.01.04 cattle
 4. MD Code, Agriculture, § 3-104
 5. <http://mda.maryland.gov/AnimalHealth/Pages/diseases-reportable.aspx>
- b. 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. COMAR 08.03.09.12

c. 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. MD Code, Agriculture, § 5-505

d. 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. COMAR 15.11.12.03

e. 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. COMAR 15.11.18.04

f. Swine

i. 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. COMAR 15.11.01.01
3. MD Code, Agriculture, § 3-104

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4. <http://mda.maryland.gov/AnimalHealth/Pages/diseases-reportable.aspx>
- g. 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. COMAR 10.06.01.23
 - ii. Reindeer
 1. These regulations prohibit the importation of reindeer. They are intended to prohibit the spread of disease and protect local cervid populations.
 2. COMAR 08.03.04.22
- VIII. Companion Animals
 - a. Chicks, Ducklings, and Rabbits
 - i. Sale of Dyed Chicks, Ducklings, or Rabbits
 1. These laws prohibit the sale of live chicks that have been dyed from their natural color and are offered for sale as pets or novelties.
 2. MD Code, Criminal Law, § 10-614
 - b. Dogs and Cats
 - i. Minimum Age at Sale
 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. MD Code, Criminal Law § 10-613
 - ii. 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. MD BUS REG§19-703(a)(2)
 3. MD BUS REG §19-704(a)(1)
- IX. Products for Animals
 - a. None
- X. Dead Animals and Animal Parts
 - a. None
- XI. Invasive Pests, Plants, and Disease

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- a. White Pines
 - i. White Pine Blister Rust
 - 1. These regulations prohibit or restrict the importation of plant host species known to carry the pathogen that causes white pine blister rust. They are intended to restrict the spread of the disease that has caused the death of large numbers of white pines and other species of trees. (See also “Black Currant”).
 - 2. COMAR 15.06.02.12
 - b. Walnut Trees
 - i. Thousand Cankers Disease
 - 1. These laws impose a quarantine or other restrictions on the importation of products that may be carrying thousand cankers disease. They are intended to contain the spread of the disease and protect local trees.
 - 2. COMAR 15.06.02.12
 - c. Black Currant
 - i. White Pine Blister Rust
 - 1. Although black currants themselves are not a plant pest, the plant is the vector for white pine blister rust, which is deadly to pine trees. These laws make the possession, import, or transportation of black currants illegal or otherwise establish quarantines of these plants.
 - 2. COMAR 15.06.02.12
- 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. COMAR 21.05.01.04
 - 3. MD Code, State Finance and Procurement, § 14-407
- XIII. General Prohibitions
- a. Toxins in Packaging
 - i. Materials Used to Package Agricultural Products
 - 1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state’s landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
 - 2. MD Code, Environment, § 9-1902
- XIV. Miscellaneous
- a. None