

Massachusetts 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. 105 Mass. Code Regs. 500.006
 - 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. 105 Mass. Code Regs. 500.006
 - b. Veal
 - i. Housing Requirements for Veal Calves
 - 1. These laws prohibit the sale of veal meat produced from calves raised in certain types of confinement systems.
 - 2. M.G.L.A. 129 App. § 1-3
 - c. Pork
 - i. Housing Requirements for Gestating Sows and Offspring
 - 1. These laws prohibit the sale of pork meat of an animal housed in certain types of confinement systems as well as the meat of the immediate offspring of such animal.
 - 2. M.G.L.A. 129 App. § 1-3
 - d. Milk
 - i. Purity Requirements
 - 1. These laws impose purity requirements on manufacturers of milk who wish to offer their products for sale within the state and prohibit the intermixing of oils or other ingredients.
 - 2. M.G.L.A. 94 § 17A
 - ii. Licensing
 - 1. These laws impose licensing requirements on manufacturers of milk who wish to offer their products for sale within the state.
 - 2. M.G.L.A. 94 § 40
 - iii. 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. 330 CMR 27.08
 - e. Eggs

Massachusetts State Laws Affected by H.R. 4879

- i. Housing Requirements for Egg Laying Hens
 1. These laws prohibit the sale of eggs produced by egg-laying hens housed in certain types of confinement systems.
 2. M.G.L.A. 129 App. § 1-3
- f. Lobsters
 - i. Sale of Dead Lobsters
 1. These laws prohibit the sale of dead lobsters within the state, including both raw lobsters and those that died prior to cooking. They are intended to prevent human exposure to toxicity emitted by dead lobsters.
 2. M.G.L.A. 94 § 77G
 - ii. Sale or Possession of Egg-Bearing Lobsters
 1. These laws prohibit the possession or sale of a female lobster whose eggs have been removed other than by natural causes. The law is intended to protect lobster populations and prohibit poaching.
 2. M.G.L.A. 130 § 41A
- g. 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. 105 MA ADC 590.004
- h. Baking Powder
 - i. Labeling
 1. These laws impose labeling requirements on manufacturers of baking soda who wish to offer their products for sale within the state.
 2. M.G.L.A. 94 § 11
- i. Maple Syrup
 - i. Grading and Labeling
 1. These laws impose regulations on the labeling of maple syrup such as the name and address of the packager, the type of syrup, as well as other quality standards.
 2. M.G.L.A. 128 § 36C
- j. 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. 202 CMR 3.12

k. Lard

i. Purity Requirements and Labeling

1. These laws impose purity requirements on manufacturers of lard who wish to offer their products for sale within the state. They prohibit the use of any ingredient other than swine fat for products labeled as “pure lard,” and impose additional requirements for compound lard.

2. M.G.L.A. 94 § 6

l. Vinegar

i. Packaging and Labeling

1. These laws impose requirements for packaging and labeling of vinegar offered for sale within the state.

2. M.G.L.A. 94 § 165

m. Frozen Dessert

i. Sanitation

1. These laws impose sanitation requirements on manufacturers of frozen desserts who wish to offer their products for sale within the state and prohibit the sale of products produced under certain conditions.

2. M.G.L.A. 94 § 65N

n. Prepackaged Foods

i. Date Labels

1. These regulations impose date labeling requirements on foods or drinks that have been pre-packaged prior to sale.

2. 105 Mass. Code Regs. 500.006

II. Alcohol

a. Beer, Wine, and Liquor

i. 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. 204 CMR 2.06

ii. Content Requirements

1. These laws impose content 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. 204 CMR 2.19

Massachusetts State Laws Affected by H.R. 4879

- 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. Mass. Gen. Laws Ann. ch. 64C, § 2B – § 2D
- IV. Fishing
 - a. Ocean Fishing: Commercial and Sport
 - i. Beyond State Waters
 - 1. These laws not only regulate fishing activities within a state’s territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
 - 2. 322 Mass. Code Regs. 7.01
 - ii. 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. Mass. Gen. Laws Ann. ch. 130, § 37
 - iii. 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. Mass. Gen. Laws Ann. ch. 130, § 35
 - 3. Mass. Gen. Laws Ann. ch. 130, § 37
 - 4. Mass. Gen. Laws Ann. ch. 130, § 38
 - 5. Mass. Gen. Laws Ann. ch. 130, § 38A
 - 6. Mass. Gen. Laws Ann. ch. 130, § 41
 - 7. Mass. Gen. Laws Ann. ch. 130, § 47
 - 8. Mass. Gen. Laws Ann. ch. 130, § 99
 - 9. Mass. Gen. Laws Ann. ch. 130, § 100A
 - 10. Mass. Gen. Laws Ann. ch. 130, § 100B
 - 11. Mass. Gen. Laws Ann. ch. 130, § 100C
 - 12. Mass. Gen. Laws Ann. ch. 130, § 100D
 - 13. 322 Mass. Code Regs. 4.13

- iv. Harvest and Size Limits
 1. These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
 2. Mass. Gen. Laws Ann. ch. 130, § 39
 3. Mass. Gen. Laws Ann. ch. 130, § 41
 4. Mass. Gen. Laws Ann. ch. 130, § 41a
 5. Mass. Gen. Laws Ann. ch. 130, § 44
 6. Mass. Gen. Laws Ann. ch. 130, § 44a
 7. Mass. Gen. Laws Ann. ch. 130, § 44b
 8. Mass. Gen. Laws Ann. ch. 130, § 47 et seq.
- V. Wood and Lumber
 - a. Firewood
 - i. Import Restrictions
 1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
 2. 12 M.R.S.A. § 8306
- 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. 105 CMR 620.002
 3. Mass. Ann. Laws ch. 94, § 272
 - 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. Mass. Ann. Laws ch. 94, § 272
 3. Mass. Ann. Laws ch. 94, § 273
 4. 105 Mass. Code Regs. 620.003
 - iii. 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. Mass. Ann. Laws ch. 94, § 273
 3. 105 Mass. Code Regs. 620.003
 - iv. 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. Mass. Gen. Laws Ann. ch. 94, § 271
 - v. Damaged Goods
 1. These regulations impose restrictions on the sale of bedding or other similar items that have been damaged or otherwise contain damaged materials. Some require the manufacturer remake or pay for the return of products not made to satisfaction.
 2. 105 Mass. Code Regs. 620.005
 - b. Stuffed Toys
 - i. Labeling
 1. These laws impose labeling or other requirements on stuffed toys. They are intended to increase accountability and transparency.
 2. 105 CMR 620.002
 3. Mass. Gen. Laws Ann. ch. 94, § 271
 4. Mass. Gen. Laws Ann. ch. 94, § 272
 - ii. Registration
 1. These laws impose licensing or registration requirements on producers who manufacture stuffed toys offered for sale within the state.
 2. M.G.L.A. 94 § 271
 - c. Children's Clothing
 - i. Registration
 1. These laws impose registration requirements for producers whose products contain hazardous substances. These regulations must be complied with prior to offering products for sale within the state.
 2. M.G.L.A. 94 § 271
- VII. Live Animal Imports
- a. Authorizations
 - i. Authority to Quarantine
 1. These laws establish the authority of state officials to impose embargoes, quarantines, or other regulations restricting the importation of agricultural products coming into the state. They are intended to affirm the state's police powers and ability to protect local interests from pests and disease.
 2. M.G.L.A. 128 § 27

b. 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. 330 CMR 4.01
3. 105 CMR 300.140
4. <http://www.mass.gov/eea/agencies/agr/animal-health/reportable-disease/reportable-disease-listing-generic.html>.

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. 330 CMR 4.04

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. 330 CMR 4.01
3. 330 CMR 4.04

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. 330 CMR 4.01
 3. 330 CMR 11.01
 4. 105 CMR 300.140
 5. <http://www.mass.gov/eea/agencies/agr/animal-health/reportable-disease/reportable-disease-listing-generic.html>.
- c. 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. 321 CMR 2.15
- d. 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. M.G.L.A. 128 § 35
 - 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. 330 CMR 8.05
 - iii. Bee Transportation Requirements
 1. These laws regulate the movement of bees into or through the state. Some require bees to be packaged or housed a certain way, impose temperature requirements, or require documentation to accompany them.
 2. M.G.L.A. 128 § 35
 3. 330 CMR 8.04
- e. 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. MA ST 129 § 44

f. 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. MA ST 129 § 27

3. MA ST 129 § 36D

g. 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. 330 CMR 11.04

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. 330 CMR 11.01

3. <http://www.mass.gov/eea/agencies/agr/animal-health/reportable-disease/reportable-disease-listin-g-generic.html>.

h. Exotic Meats

i. Snake

1. These laws impose import conditions on live snakes. To the extent that imported snakes are raised for meat for human consumption, they may be considered agricultural products.

2. 321 CMR 2.15

VIII. Companion Animals

a. Dogs and Cats

i. Minimum Age at Sale

Massachusetts State Laws Affected by H.R. 4879

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. M.G.L.A. 129 § 39G
 3. 330 CMR 12.05
 - 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. 330 CMR §12.05(1)
 3. 330 CMR §12.05(2)
 4. 330 CMR §12.05(3)
 - iii. 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. MA ST 129 § 39G
- 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. Mass. Gen. Laws Ann. ch. 94, § 277A
 3. Mass. Gen. Laws Ann. ch. 266, § 79
- XI. Invasive Pests, Plants, and Disease
 - a. Ash Trees
 - i. Emerald Ash Borer
 1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
 2. 12 M.R.S.A. § 8306

Massachusetts State Laws Affected by H.R. 4879

- b. 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. 330 CMR 9.03
 - 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. 330 CMR 9.02
 - 3. 330 CMR 9.03
 - d. Aquatic Invasive Plant Species Generally
 - i. Floating Water Chesnut
 - 1. Floating water chestnut is another an aquatic weed that can restrict water flow and make recreational lakes and ponds unusable. These laws make it illegal to import or transport these plants, seeds, or nuts.
 - 2. Mass. Gen. Laws Ann. ch. 128, § 20A
- 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. M.G.L.A. 7 § 22
 - 3. M.G.L.A. 7 § 23B
- XIII. General Prohibitions
- a. None
- XIV. Miscellaneous
- a. None