

Minnesota 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. Minn. R. 1520.1900
 - 3. Minn. R. 1550.1060
 - ii. Damaged Foods
 - 1. These laws prohibit the sale or consumption of foods damaged by floods by deeming them “adulterated” or “misbranded” under the state’s food safety code.
 - 2. Minn. Stat. § 31.495
 - b. 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. Minn. R. 1520.1900
 - c. 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. Minn. R. 4626.0200
 - d. 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. Minnesota Rules, part 4626.0155
 - e. Wild Rice
 - i. Labeling
 - 1. These laws impose regulations on the labeling of wild rice products sold within the state in order to allow consumers to differentiate between cultivated and hand-harvested, paddy-grown varieties. They are intended to increase transparency and protect consumer interests.
 - 2. MN ST § 30.49

Minnesota State Laws Affected by H.R. 4879

- f. 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. Minn. R. 1550.1060
 - g. Baby Food
 - i. Packaging with BPA
 - 1. These laws prohibit the sale of baby food in jars containing the additive bisphenol A (“BPA”) due to concerns about the chemical’s safety and adverse health impacts it may have on young children.
 - 2. MN ST § 325F.174
- II. Alcohol
 - a. None
- 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. MN ST § 152.027
 - 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. Minn. Stat. Ann. § 299F.851
 - 3. Minn. Stat. Ann. § 299F.852
 - 4. Minn. Stat. Ann. § 299F.853
- IV. Fishing
 - a. None
- 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. Minn. Stat. § 239.093
- VI. Home Goods and Products

Minnesota State Laws Affected by H.R. 4879

- 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. Minn. Stat. Ann. § 325F.31
 - b. 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. M.S.A. § 325F.071
 - ii. Brominated Flame Retardants
 - 1. These laws restrict the use or impose requirements on the use of brominated flame retardants 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 their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.
 - 2. M.S.A. § 325E.386
- 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.S.A. § 18G.06
 - b. Aquaculture

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/

Minnesota State Laws Affected by H.R. 4879

- i. Aquaculture Import and Disease Reporting
 1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
 2. Minn. Stat. 17.4986
 3. Minn. Stat. 17.4985
 4. Minn. Stat. 17.4982
- ii. Viral Hemorrhagic Septicemia
 1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
 2. Minn. Stat. 17.4986, 17.4985
 3. Minn. Stat. 17.4982
- iii. 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. Minnesota Rules, part 6216.0250
- c. 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. Minnesota Rules part 1721.0360
- d. 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. Minnesota Rules, part 1721.0040
 3. Minnesota Rules, part 1721.0050
 4. <https://www.bah.state.mn.us/reportable-diseases/>
- 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. Minnesota Rules, part 4605.7040
- 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. Minnesota Rules, part 1721.0165
 3. Minnesota Rules, part 1721.0130
- 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. Minnesota Rules, part 1721.0040
 3. Minnesota Rules, part 1721.0050
 4. <https://www.bah.state.mn.us/reportable-diseases/>
- e. 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. Minnesota Rules, part 1721.0400

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. Minnesota Rules, part 1721.0240

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. Minnesota Rules, part 1721.0450

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. Minnesota Rules, part 1721.0190

3. Minnesota Rules, part 1721.0010

4. <https://www.bah.state.mn.us/reportable-diseases/>

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. Minnesota Rules, part 1721.0040
 - 3. Minnesota Rules, part 1721.0050
 - 4. <https://www.bah.state.mn.us/reportable-diseases/>
 - i. Exotic Meats
 - i. Horsemeat Labeling
 - 1. These state regulations require that horsemeat be specifically labelled as such. They are intended to increase transparency regarding sourcing.
 - 2. M.S.A. § 31A.12
 - 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. Minnesota Rules, part 1721.0280WI
 - 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. Minnesota Rules, part 1721.0130
- VIII. Companion Animals
 - a. 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. M.S.A. § 347.59
 - 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. M.S.A. § 325F.791
 - iii. Veterinary Inspection Requirements
 - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion

Minnesota State Laws Affected by H.R. 4879

- animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
 - 2. Minnesota Rules, part 1721.0130
 - 3. Minnesota Rules, part 1721.0450
 - 4. Minnesota Rules, part 1721.0500
- IX. Products for Animals
 - a. Pet Food
 - i. Requirements of Manufacturers
 - 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 - 2. Minn. Stat. Ann. § 25.39
- 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 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. M.S.A. § 35.82
 - b. Animals that Died Other Than by Slaughter
 - i. Prohibition or Permitting
 - 1. These laws impose import restrictions on certain types of dead domestic animals. Some require that no domestic animal carcass can be imported or sold within the state if the animal in question died other than by slaughter—except as authorized by a special permit awarded by the state. These laws are intended to limit risks to public health.
 - 2. M.S.A. § 35.82
- 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. Authority Pursuant to Minnesota Statute 18G.06, subd. 4 (2010)

3. See:
<http://www.mda.state.mn.us/plants/pestmanagement/eab/eabquarantine.aspx>
- b. Pine Trees
 - i. Mountain Pine Beetle
 1. These laws impose quarantines or other restrictions on the importation of wood products that may be carrying the mountain pine beetle, a small, destructive insect that degrades the quality of lumber and destroys trees. These laws are intended to contain its spread and protect local forests.
 2. Authority pursuant to Minnesota Statute 18G.06, subd. 4 (2010)
 3. See:<http://www.mda.state.mn.us/plants/insects/mpb/mpbquarantine.aspx>
- c. 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. Authority pursuant to Minnesota Statute 18G.06, subd. 4 (2010) No. RF-1722
- d. Nursery Imports Generally
 - i. Labeling, Testing, and Other Requirements
 1. These laws require shipments of plants or plant seeds entering the state to be properly labeled with information about the producer as well as about where the plants were grown. Some require disease testing information to be included as well.
 2. M.S.A. § 21.82
 3. M.S.A. § 21.83
 4. M.S.A. § 21.84
- e. Aquatic Invasive Plant Species Generally
 - i. Import
 1. These laws impose restrictions on aquatic plant species that can be imported into the state. They are intended to protect native wildlife and the fishing industry.
 2. Minnesota Rules, part 6216.0250
 3. Minnesota Rules, part 6216.0260
- f. 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.

Minnesota State Laws Affected by H.R. 4879

- ii. M.S.A. § 18.75
 - iii. M.S.A. § 18.82
 - g. Noxious Weed Seeds
 - 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. Minnesota Rules, part 1510.0271
 - h. Potato Seeds
 - i. Grades of Seed Eligible for Sale
 - 1. These laws restrict the sale of lower grades of seed potatoes and allow only for high quality seeds to be offered for sale within the state. They are intended to ensure that a high quality of potato is produced in the state.
 - 2. Minnesota Rules, part 1510.2320
 - i. 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. Minnesota Rules, part 1510.0433
 - 3. Minnesota Rules, part 1510.0412
 - 4. M.S.A. § 18C.215
- 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.S.A. § 16C.06
- 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

Minnesota State Laws Affected by H.R. 4879

prohibit the sale of products or packaging materials containing dangerous toxins.

2. M.S.A. § 115A.965

XIV. Miscellaneous

a. None