

Missouri State Laws Affected by H.R. 4879

- I. Food
 - a. 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. 2 Mo. Code of State Regulations 80-3.130
- II. Alcohol
 - a. Beer, Wine, and Liquor
 - i. Import
 - 1. These laws impose requirements governing the importation of alcoholic products into 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. 11 Mo. Code of State Regulations 70-2.060
- 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. 19 Mo. Code of State Regulations 30-1.002
 - 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. Mo. Ann. Stat. § 320.353
 - 3. Mo. Ann. Stat. § 320.356
 - 4. Mo. Ann. Stat. § 320.359
- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products

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- 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. Mo. Ann. Stat. § 421.007
 - 3. Mo. Ann. Stat. § 421.014
 - 4. Mo. Ann. Stat. § 421.017
 - 5. Mo. Ann. Stat. § 421.025
 - ii. 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. Mo. Ann. Stat. § 421.038
- VII. Live Animal Imports
 - a. Aquaculture
 - 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. 2 CSR 30-2.010
 - 3. 3 CSR 10-9.110
 - 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. 2 CSR 30-2.010 (15)
 - 3. 3 CSR 10-9.110(4)
 - 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. 2 Mo. Code of State Regulations 30-1.020
3. 2 Mo. Code of State Regulations 30-8.010

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. 2 Mo. Code of State Reg. 30-2.010
3. <http://agriculture.mo.gov/animals/health/disease/comdisease.php>

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. 2 Mo. Code of State Regulations 30-2.010

iii. 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. 2 Mo. Code of State Reg. 30-2.010
3. <http://agriculture.mo.gov/animals/health/disease/comdisease.php>

d. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

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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. 2 Mo. Code of State Regs.30-2.010
- 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. Mo. Rev. Stat. § 264.061
 - 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. V.A.M.S. 264.063
- 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. 2 Mo. Code Regs. Ann. tit. 2, § 30-2.010
- 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. 2 Mo. Code of State Regulations 30-2.010
 - ii. Scabies

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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. 2 Mo. Code of State Regulations 30-2.010
 3. 2 Mo. Code of State Regulations 30-2.040
- 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. 2 Mo. Code of State Regulations 30-2.010
 - 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. 2 Mo. Code of State Regulations 30-2.010
 3. <http://agriculture.mo.gov/animals/health/disease/comdisease.php>
- i. Exotic Meats
- i. 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. Mont.Admin.R. 32.3.226
- 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. 2 CSR 30-9.020
 - ii. Veterinary Inspection Requirements

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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. Mo. Code Regs. Ann. tit. 2, § 30-2.010
- IX. Products for Animals
- a. Pet Food
 - i. Ingredients
 1. These laws impose content requirements for pet food. Often they regulate the maximum or minimum amounts of crude protein, fat, fiber, and moisture that may go into a product. Others limit the types of ingredients that may be used, such as those regulations prohibiting the use of meat products that do not come from licensed processing plants subject to inspection.
 2. Mo. Code Regs. Ann. tit. 2, § 70-31.020
 - ii. Nutritional Labeling
 1. These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.
 2. Mo. Code Regs. Ann. tit. 2, § 70-31.020
 - iii. Nutritional Claims
 1. These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.
 2. Mo. Code Regs. Ann. tit. 2, § 70-31.020
 - iv. Flavor Labeling
 1. These regulations govern flavor designation and labeling on pet food packaging.
 2. Mo. Code Regs. Ann. tit. 2, § 70-31.030
 - v. Requirements of Manufacturers
 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 2. Mo. Ann. Stat. § 266.165
 - b. Commercial Feed
 - i. Labeling of Commercial Feed
 1. These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.
 2. V.A.M.S. 266.170

- X. Dead Animals and Animal Parts
- a. None

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XI. Invasive Pests, Plants, and Disease

a. Rice

i. Bakanae Disease

1. These laws impose import restrictions or quarantines on products that may be carrying the fungus *Gibberella fujikuroi*. The fungus causes rice plants to stop producing edible grains. These regulations seek to limit the spread of disease and protect local production.
2. 2 Mo. Code of State Regulations 70-11.040

b. 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. 2 Mo. Code of State Regulations 70-13.025

c. 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. 2 Mo. Code of State Regulations 70-45.005

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. V.A.M.S. 34.070

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. Mo. Rev. Stat. § 260.822

XIV. Miscellaneous

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/

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- a. None