

New Hampshire 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. N.H. Rev. Stat. Ann. § 184:30-g
 3. NH Code Admin. R. Ann. Agric. 1412.04
 - b. 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. N.H. Rev. Stat. § 429:15
 - c. Prepackaged Foods
 - i. Sandwiches
 1. These regulations impose date labeling requirements on sandwiches prior to sale.
 2. NH ADC AGR 1412.01
 3. NH ADC AGR 1412.04
- II. Alcohol
 - a. None
- 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. N.H. Rev. Stat. Ann. § 339-F:2
 3. N.H. Rev. Stat. Ann. § 339-F:3
 4. N.H. Rev. Stat. Ann. § 339-F:4
 5. N.H. Rev. Stat. Ann. § 339-F:5
 6. N.H. Rev. Stat. Ann. § 339-F:6
 7. N.H. Rev. Stat. Ann. § 339-F:7
 8. N.H. Rev. Stat. Ann. § 339-F:8
- IV. Fishing
 - a. Ocean Fishing: Commercial and Sport
 - i. 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

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regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.

2. N.H. Rev. Stat. Ann. § 211:49-d

V. Wood and Lumber

a. None

VI. Home Goods and Products

a. None

VII. Live Animal Imports

a. Aquaculture

i. Infectious Salmon Anemia

1. Infectious salmon anemia (ISA) is a viral disease of Atlantic salmon that affects fish farms, causing severe losses to infected farms. Federal regulations apply only to Maine producers (see 9 C.F.R. § 53.1), but other states have implemented additional laws that prohibit the importation of fish exposed to the disease or otherwise restrict the movement of particular fish.

2. N.H. Code Admin. R. Fis 803.09

ii. Bait

1. These laws regulate what species of fish can be sold as bait. They are intended to prevent the introduction of invasive species of fish and known fish diseases that may be transmitted through the sale and use of fish as bait.

2. N.H. Code Admin. R. Fis 502.07

iii. Diseased Fish

1. These regulations prohibit the importation of certain varieties of diseased or potentially diseased fish.

2. N.H. Code Admin. R. Fis 803.09

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. N.H. Code Admin. R. Agr 2114.01

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. N.H. Code Admin. R. Agr 2103.04
3. N.H. Code Admin. R. Agr 2103.01
4. <https://www.agriculture.nh.gov/publications-forms/documents/reportable-diseases.pdf>

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. N.H. Code Admin. R. Agr 2104.01

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. N.H. Code Admin. R. Agr 2103.01
3. N.H. Code Admin. R. Agr 2103.04
4. <https://www.agriculture.nh.gov/publications-forms/documents/reportable-diseases.pdf>

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. N.H. Code Admin. R. Agr 2116.02
3. N.H. Code Admin. R. Fis 309.01

e. Bees

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- 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. N.H. Rev. Stat. § 429:7
 - ii. 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. N.H. Code Admin. R. Agr 1806.01
- 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. N.H. Code Admin. R. Agric. 2113.02
- 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. N.H. Code Admin. R. Agr 2108.02
- 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.

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2. N.H. Code Admin. R. Agr 2110.03
 3. N.H. Code Admin. R. Agr 2110.04
 - 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. N.H. Code Admin. R. Agr 2103.04
 3. N.H. Code Admin. R. Agr 2103.01
 4. <https://www.agriculture.nh.gov/publications-forms/documents/reportable-diseases.pdf>
 - i. 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. N.H. Code Admin. R. Fis 803.06
 - ii. 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. N.H. Code Admin. R. Fis 803.06
 - iii. 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. N.H. Code Admin. R. Agr 2103.03
- VIII. Companion Animals
- a. Dogs and Cats
 - i. 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. N.H. Rev. St. § 437:10 (I)
- IX. Products for Animals

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- 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. N.H. Rev. Stat. Ann. § 435:20
 - b. Prohibited Foods
 - i. Feed Garbage to Swine
 - 1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
 - 2. N.H. Code Admin. R. Agr 2110.01
- X. Dead Animals and Animal Parts
 - a. None
- 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. N.H. Code Admin. R. Agr 3802.01
 - b. Hemlock Trees
 - i. Wolly Adelgid
 - 1. The hemlock woolly adelgid is an aphid-like insect that depletes the food source in hemlocks, leading to their death and disturbance of the hemlock-based ecosystem. These laws prohibit the possession, importation, or transport of this invasive species.
 - 2. N.H. Code Admin. R. Agr 3802.01
 - c. Oak, Aspen, and Other Species of Tree
 - i. Gypsy Moth
 - 1. These regulations declare gypsy moths to be a pest. They are intended to supplement federal standards and provide for additional quarantines on plant imports or further prohibit the importation of regulated articles in order to contain the moths’ spread. Gypsy moths affect hundreds of different plant species and cause the defoliation of millions of acres annually. These regulations seek to protect local plant populations.

