

## New Mexico 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.M. Admin. Code 21.34.5.9
    - 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. N.M. Admin. Code 21.34.5.16
  - 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. N.M. Admin. Code 21.34.5
  - c. Shellfish
    - i. Sourcing Requirements
      - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
      - 2. N.M. Admin. Code 7.6.2
  - d. 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. N.M. Admin. Code 21.16.4
- 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. N.M. Admin. Code 16.19.20

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. N.M. Stat. Ann. § 57-2B-3

3. N.M. Stat. Ann. § 57-2B-4

4. N.M. Stat. Ann. § 57-2B-5

IV. Fishing

a. None

V. Wood and Lumber

a. None

VI. Home Goods and Products

a. None

VII. Live Animal Imports

a. 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.M. Admin. Code 7.4.3

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. N.M. Admin. Code 21.32.4

3. <http://nmbvm.org/wp-content/uploads/2014/12/NM-Reportable-Disease-List-7-15-13.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.M. Admin. Code 21.32.4
- 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. N.M. Stat. Ann. § 77-5-4
  3. N.M. Admin. Code 21.32.4
- 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. N.M. Admin. Code 21.32.4
  3. <http://nmbvm.org/wp-content/uploads/2014/12/NM-Reportable-Disease-List-7-15-13.pdf>
- c. 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.M. Admin. Code 19.35.7

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. N. M. S. A. 1978, § 76-9-11

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. NM ST § 76-9-11

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. N.M. Admin. Code 21.32.4

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. N.M. Admin. Code 21.32.4

ii. Scabies

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. N.M. Admin. Code 21.32.4

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. N.M. Admin. Code 21.32.4

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.M. Admin. Code 21.32.4

3. <http://nmbvm.org/wp-content/uploads/2014/12/NM-Reportable-Disease-List-7-15-13.pdf>

h. Pig Semen and Ova

i. Gamete Importation

1. These laws impose regulations and restrictions on the importation of semen and ova from swine to be used for breeding purposes. They are intended to prevent the transmission of disease and ensure that animals produced from imported stock are healthy.

2. N.M. Admin. Code 21.30.7

VIII. Companion Animals

a. Dogs and Cats

i. 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. N.M. Admin. Code 21.32.4

IX. Products for Animals

a. Pet Food

i. Raw Milk as Pet Food: Packaging

1. These laws govern the packaging of raw milk products sold as pet food. They are intended to reduce human consumption of

- unpasteurized milk and prevent use of the so-called “moo-nshine loophole” whereby raw milk is sold interstate as pet food.
      - 2. N.M. Admin. Code 21.18.3
    - 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.M. Admin. Code 21.32.4
  - X. Dead Animals and Animal Parts
    - a. None
  - XI. Invasive Pests, Plants, and Disease
    - a. Pecans and Other Nut Trees
      - i. Pecan Weevil
        - 1. These laws impose quarantine restrictions to limit the spread of pecan weevils and require that imported nuts and nut trees be dipped at a high temperature prior to entry in order to kill any weevils. These regulations are intended to protect local pecan trees.
        - 2. N.M. Admin. Code 21.17.28
      - 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. N.M. Admin. Code 21.17.42
  - XII. Procurement
    - a. Agricultural Goods
      - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
      - ii. N.M.S.A. 1978, § 13-1-21
  - XIII. General Prohibitions
    - a. None
  - XIV. Miscellaneous
    - a. None

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