

New York 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. 1 NYCRR 2.8
 - b. 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. N.Y. Comp. Codes R. & Regs. tit. 6, § 42.11
 - c. 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. 1 NYCRR 271-2.2
 - 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. 1 NYCRR 221.9
 3. 1 NYCRR 221.13
 4. 1 NYCRR 317.2
 - e. 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

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- products labeled as “pure lard,” and impose additional requirements for compound lard.
 - 2. 1 NYCRR 317.8
- 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.Y. Exec. Law § 156-c
- 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 regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
 - 2. N.Y. Comp. Codes R. & Regs. tit. 6, § 40.1
 - ii. Equipment Requirements, Harvest Techniques, and Prohibitions
 - 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. N.Y. Evtl. Conserv. Law § 13-0317
 - 3. N.Y. Evtl. Conserv. Law § 13-0343
- 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. 6 NYCRR 192.5
- 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. N.Y. Gen. Bus. Law § 389
 3. N.Y. Gen. Bus. Law § 389-a
 - 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. N.Y. Comp. Codes R. & Regs. tit. 19, § 199.2
 - iii. 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. N.Y. Gen. Bus. Law § 384
 3. N.Y. Gen. Bus. Law § 385
 - 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. McKinney's ECL § 37-0705
 3. McKinney's ECL § 37-0709
- 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. 1 NYCRR 45.1
3. 1 NYCRR 45.5

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. 1 NYCRR 62.1
3. 1 NYCRR 53.2

4. https://www.agriculture.ny.gov/AI/Reportable_Disease_List.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. 1 NYCRR 53.1

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. 1 NYCRR 62.1
3. 1 NYCRR 53.2

4. https://www.agriculture.ny.gov/AI/Reportable_Disease_List.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. 1 NYCRR 62.7

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. McKinney's Agriculture and Markets Law § 175

ii. Prohibitions on Africanized Bees

1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.

2. 6 NYCRR 575.3

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. 1 NYCRR 64.4

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. 1 NYCRR 62.5

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. 1 NYCRR 63.4
3. 1 NYCRR 63.5
- 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. 1 NYCRR 62.1
 3. 1 NYCRR 53.2
 4. https://www.agriculture.ny.gov/AI/Reportable_Disease_List.pdf
- h. Exotic Meats
 - i. Pigeon or “Squab”
 1. These states have limits on the number of pigeons or other varieties of columbidae that can be imported.
 2. 6 NYCRR 2.30
- 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. McKinney's Agriculture and Markets Law § 402
 - ii. 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. NY GEN BUS § 753-a(1)
 3. NY GEN BUS § 753-a(3)
 4. NY GEN BUS § 753-b(1-2)
 5. NY GEN BUS § 753-b(1-2)(i)
 6. NY GEN BUS § 753-b(1-2)(ii)
 7. NY GEN BUS § 753-c
 - iii. Veterinary Inspection Requirements

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 2. 1 NYCRR 65.2
- 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. N.Y. Comp. Codes R. & Regs. tit. 1, § 257.17
 - 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. N.Y. Comp. Codes R. & Regs. tit. 1, § 257.17
 - 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. N.Y. Comp. Codes R. & Regs. tit. 1, § 257.17
 - iv. Flavor Labeling
 1. These regulations govern flavor designation and labeling on pet food packaging.
 2. N.Y. Comp. Codes R. & Regs. tit. 1, § 257.18
 - v. Requirements of Manufacturers
 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 2. N.Y. Agric. & Mkts. Law § 129
- X. Dead Animals and Animal Parts
- a. Dog and Cat Meat
 - i. Prohibition
 1. These laws impose prohibit the sale of companion animals for human consumption or otherwise prohibit human consumption of dog and cat meat.
 2. McKinney's Agriculture and Markets Law § 96-e
 - b. Fur
 - i. Fur Labeling

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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. McKinney's General Business Law § 399-aaa
 - ii. Dog and Cat Fur
 1. These regulations extend beyond the federal ban and impose additional certification or other requirements to prevent the sale of fur products made from domestic dogs and cats or the importation of such animals for this use.
 2. McKinney's General Business Law § 399-aa
- 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. 6 NYCRR 575.3
 - 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. 6 NYCRR 575.3
 - 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. 6 NYCRR 575.3
 - d. Trees Generally
 - i. Asian Longhorned Beetle
 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. 6 NYCRR 575.3
 3. 1 NYCRR 139.3
 - e. Black Currant
 - i. White Pine Blister Rust

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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. 6 NYCRR 192.1
- f. Potatoes and Tomatoes
 - i. Nematodes
 1. These laws place restrictions on the importation of products that may be carrying parasitic nematodes. Nematodes cause vast amounts of damage to a wide variety of crops, especially potatoes and tomatoes. Plants and plant products imported into a state must be inspected for nematodes and quarantined under these laws.
 2. 1 NYCRR 127.5
 - g. Vegetables
 - i. Certification of Vegetables
 1. These laws require all vegetable plants shipped into the state to be accompanied by an authorized certificate from the originating state. The certificate must declare the plants appear to be free from injurious insects, pests, or plant diseases, and that said vegetable plants were properly treated during their growing season to prevent the establishment of injurious insects, pests or plant diseases. They are intended to protect native plants and in-state consumer interests.
 2. 1 CRR-NY 133.4
 - h. Various Other Plants
 - i. European Brown Garden Snails
 1. The European brown garden snail is a plant feeder that is very destructive to host plants and readily transported on infested nursery stock. These laws impose restrictions such as inspection requirements, fumigation, quarantines, or bans of infected or potentially infected plants.
 2. 6 NYCRR 575.3
 - i. 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. McKinney's Agriculture and Markets Law § 168
 - j. Aquatic Invasive Plant Species Generally
 - i. Hydrilla

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1. Hydrilla is an aquatic weed that can, by its thick growth, restrict water flow and make recreational lakes and ponds unusable. These laws require inspection of plants and boats, and establish quarantines to prevent the spread of this plant.
 2. 6 NYCRR 575.3
 - ii. Floating Water Chestnut
 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. NY ENVIR CONSER § 11-0509
 - k. 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. McKinney's Agriculture and Markets Law § 145
- 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. McKinney's State Finance Law § 165
- 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. McKinney's ECL § 37-0205
- XIV. Miscellaneous
- a. None