

North Dakota State Laws Affected by H.R. 4879

- I. Food
 - a. Cottage Food Production
 - i. Labeling, Production, and Restriction of Sale
 1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.
 2. NDCC, 23-09.5-02
 3. NDCC, 23-09.5-0
- 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. ND ST 19-03.1-05
 - 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.D. Cent. Code Ann. § 18-13-02
 3. N.D. Cent. Code Ann. § 18-13-03
 4. N.D. Cent. Code Ann. § 18-13-04
- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. None
- 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. N.D.A.C. § 30-03-02-06
- 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. N.D.A.C. § 30-03-02-06
- 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. NDAC 48.1-09-03-01
 3. NDAC 48.1-10-01-01
- 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. NDAC 48.1-05-01-01
 3. <https://www.nd.gov/ndda/sites/default/files/resource/ReportableDiseaseList3-2018.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. NDAC 48.1-12-01-03

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. NDAC 48.1-05-01-02

3. NDAC 48.1-07-03-01

iv. Johne's Disease

1. Johne's disease is a contagious, chronic, and usually fatal infection that affects the small intestine of ruminants, such as cows. It is widespread in the dairy industry, causing roughly \$200–250 million in annual losses. Federal regulation prohibits the interstate movement of animals that have tested positive, but does not impose a testing requirement. Some states have enacted additional requirements for mandating testing prior to importation or otherwise further restricting import.

2. NDAC 48.1-09-03-01

v. 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. NDAC 48.1-05-01-01

3. <https://www.nd.gov/ndda/sites/default/files/resource/ReportableDiseaseList3-2018.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. NDAC 48.1-09-03-01

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. NDCC, 36-14-04.1

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. NDAC 48.1-06-01-02

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. NDAC 48.1-08-01-03

3. NDAC 48.1-09-06-01

4. NDAC 48.1-11-01-03

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. NDAC 48.1-12-01-03
 - 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. NDAC 48.1-05-01-01
 3. <https://www.nd.gov/ndda/sites/default/files/resource/ReportableDiseaseList3-2018.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. NDAC 48.1-09-06-01
 - ii. Horsemeat Labeling
 1. These state regulations require that horsemeat be specifically labelled as such. They are intended to increase transparency regarding sourcing.
 2. NDAC 7-13-05-07
- 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. NDAC 48.1-13-01-01
- 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. N.D. Cent. Code Ann. § 4.1-41-05
- X. Dead Animals and Animal Parts
 - a. None
- XI. Invasive Pests, Plants, and Disease
 - a. None
- XII. Procurement
 - a. Agricultural Goods

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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. NDCC, 44-08-01
- XIII. General Prohibitions
- a. None
- XIV. Miscellaneous
- a. None