

Ohio 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. Ohio Rev. Code Ann. § 3715.171
 - 3. Ohio Admin. Code 901:3-8-03
 - ii. Date Packaged, Produced, or Harvested
 - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 - 2. Ohio Admin. Code 901:3-8-03
 - b. 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. OAC 901:11-1-02
 - c. 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. Ohio Admin. Code 901:3-8-03
 - ii. 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. Ohio Admin. Code 3717-1-03.1
- II. Alcohol
 - a. None
- III. Drugs
 - a. Recreational
 - i. Salvia

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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. OH ST § 3719.41
- 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. Ohio Rev. Code Ann. § 3739.02
 3. Ohio Rev. Code Ann. § 3739.03
 4. Ohio Rev. Code Ann. § 3739.04
 5. Ohio Rev. Code Ann. § 3739.05
 6. Ohio Rev. Code Ann. § 3739.06
- IV. Fishing
- a. None
- V. Wood and Lumber
- a. None
- 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. Ohio Admin. Code 4101:6-1-04
 3. Ohio Admin. Code 4101:6-1-05
 4. Ohio Admin. Code 4101:6-1-06
 5. Ohio Admin. Code 4101:6-1-07
 6. Ohio Admin. Code 4101:6-1-08
 7. Ohio Admin. Code 4101:6-1-10
 8. Ohio Admin. Code 4101:6-1-14
 - ii. Cotton Filler Materials
 1. These laws regulate cotton materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Ohio Admin. Code 4101:6-1-11
 - iii. Wood Filler Materials
 1. These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.

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2. Ohio Admin. Code 4101:6-1-14
- iv. Down or Feather Filler Materials
 1. These laws regulate down or feather materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Ohio Admin. Code 4101:6-1-12
- v. Hair Filler Materials
 1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Ohio Admin. Code 4101:6-1-13
- vi. Plant Fiber Materials
 1. These laws regulate plant fiber materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Ohio Admin. Code 4101:6-1-17
- vii. 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. Ohio Admin. Code 4101:6-1-21
 3. Ohio Admin. Code 4101:6-1-22
 4. Ohio Admin. Code 4101:6-1-24
- viii. Prohibited Products
 1. These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.
 2. Ohio Admin. Code 4101:6-1-06
- ix. 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. Ohio Admin. Code 4101:6-1-03
 3. Ohio Admin. Code 4101:6-1-18
- x. Storage and Facilities
 1. These laws regulate the storage, transportation, or manufacture of bedding, mattresses, or other similar materials offered for sale.
 2. Ohio Admin. Code 4101:6-1-23
- b. Stuffed Toys
 - i. Labeling

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1. These laws impose labeling or other requirements on stuffed toys. They are intended to increase accountability and transparency.
 2. Ohio Admin. Code 4101:6-1-04
 3. Ohio Admin. Code 4101:6-1-05
 4. Ohio Admin. Code 4101:6-1-14
 5. Ohio Admin. Code 4101:6-1-24
- ii. Registration
 1. These laws impose licensing or registration requirements on producers who manufacture stuffed toys offered for sale within the state.
 2. OAC 4101:6-1-03
- 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. OAC 901:1-17-13
 - ii. 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. Ohio Admin. Code 901:1-17-13
 3. Ohio Admin. Code 901:1-17-14
 - iii. 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. Ohio Admin. Code 901:1-17-13
 3. Ohio Admin. Code 901:1-17-14
 - 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. OAC 901:1-15-02
3. OAC 901:1-21-02

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. OAC 901:1-17-02
3. OAC 901:1-17-01
4. <http://www.odh.ohio.gov/pdf/animdis/AnZooDisRef.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. OAC 901:1-5-03

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. OAC 901:1-17-03
3. OAC 901:1-17-04

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. OAC 901:1-17-02
 3. OAC 901:1-17-01
 4. <http://www.odh.ohio.gov/pdf/animdis/AnZooDisRef.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. OAC 901:1-1-01
- 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. Ohio Rev. Code § 909.10
- 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. OAC 901:1-19-05
- 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. OAC 901:1-17-06
3. OAC 901:1-17-08

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. OAC 901:1-11-04
3. OAC 901:1-11-07
4. OAC 901:1-11-04 306

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. OAC 901:1-17-02
3. OAC 901:1-17-01
4. <http://www.odh.ohio.gov/pdf/animdis/AnZooDisRef.pdf>

i. Exotic Meats

i. Bison

1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
2. OAC 901:1-17-03

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. RC § 955.50

- 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. OAC 901:1-17-05
- 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. Ohio Admin. Code 901:5-7-19
 - 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. Ohio Admin. Code 901:5-7-19
 - iii. Flavor Labeling
 - 1. These regulations govern flavor designation and labeling on pet food packaging.
 - 2. Ohio Admin. Code 901:5-7-18
 - iv. Raw Milk as Pet Food: Labeling
 - 1. These laws require certain labels on raw milk sold as pet food. Most commonly, they require the following warning: “May Contain Harmful Bacteria.”
 - 2. Ohio Admin. Code 901:5-7-17
 - 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. Ohio Admin. Code 901:5-7-17
 - 3. OAC 901:1-17-12

X. Dead Animals and Animal Parts

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- a. None
- XI. Invasive Pests, Plants, and Disease
 - a. 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. OAC 901:5-48-04
 - b. 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.
 - 2. OAC 901:5-52-03
 - c. White Pines
 - i. White Pine Blister Rust
 - 1. These regulations prohibit or restrict the importation of plant host species known to carry the pathogen that causes white pine blister rust. They are intended to restrict the spread of the disease that has caused the death of large numbers of white pines and other species of trees. (See also "Black Currant").
 - 2. OAC 901:5-43-01
 - d. 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. OAC 901:5-58-03
 - e. Trees Generally
 - i. Asian Longhorned Beetle
 - 1. Asian longhorned beetle larvae consume vast quantities of wood in the trunks of trees and the adults eat the leaf buds, leading to a death rate among infected trees of roughly 30 percent. These laws supplement federal laws and establish additional quarantines, prohibit the importation of regulated articles, or otherwise regulate articles that may be carrying the pest.
 - 2. OAC 901:5-57-03
 - f. Black Currant

