

## Rhode Island State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Damaged Foods:
      - 1. These laws prohibit the sale or consumption of foods damaged by floods by deeming them “adulterated” or “misbranded” under the state’s food safety code.
      - 2. 21 R.I. Gen. Laws Ann. § 21-31-3
    - 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. 216 R.I. Code R. 50-10-6.4
      - 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. R.I. Admin. Code 31-3-11:3-2
  - 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. RI ST § 21-28-4.01
      - 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. 23 R.I. Gen. Laws Ann. § 23-20.11-4
          - 3. 23 R.I. Gen. Laws Ann. § 23-20.11-5
          - 4. 23 R.I. Gen. Laws Ann. § 23-20.11-6
  - IV. Fishing

## Rhode Island State Laws Affected by H.R. 4879

- 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. R.I. Admin. Code 25-8-4:1.6
- 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. 23 R.I. Gen. Laws Ann. § 23-26-2
      - 3. 23 R.I. Gen. Laws Ann. § 23-26-7.1
      - 4. 23 R.I. Gen. Laws Ann. § 23-26-8
      - 5. 23 R.I. Gen. Laws Ann. § 23-26-9
      - 6. 23 R.I. Gen. Laws Ann. § 23-26-10
      - 7. 23 R.I. Gen. Laws Ann. § 23-26-13
      - 8. 23 R.I. Gen. Laws Ann. § 23-26-14
      - 9. 23 R.I. Gen. Laws Ann. § 23-26-15
      - 10. 23 R.I. Gen. Laws Ann. § 23-26-16
      - 11. 23 R.I. Gen. Laws Ann. § 23-26-19
      - 12. 23 R.I. Gen. Laws Ann. § 23-26-20
    - ii. Cotton Filler Materials
      - 1. These laws regulate cotton materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
      - 2. 23 R.I. Gen. Laws Ann. § 23-26-3
    - iii. Wood Filler Materials
      - 1. These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
      - 2. 23 R.I. Gen. Laws Ann. § 23-26-3
    - 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. 23 R.I. Gen. Laws Ann. § 23-26-3
    - v. Hair Filler Materials

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1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
2. 23 R.I. Gen. Laws Ann. § 23-26-3
- vi. Animal Fiber Materials
  1. These laws regulate when and how animal fiber materials can be used in stuffed products. Most impose labeling requirements or restrictions on sale.
  2. 23 R.I. Gen. Laws Ann. § 23-26-3
  3. 23 R.I. Gen. Laws Ann. § 23-26-7
- vii. Plant Fiber Materials
  1. These laws regulate plant fiber materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
  2. 23 R.I. Gen. Laws Ann. § 23-26-3
- viii. 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. 23 R.I. Gen. Laws Ann. § 23-26-4
  3. 23 R.I. Gen. Laws Ann. § 23-26-6
  4. 23 R.I. Gen. Laws Ann. § 23-26-7
  5. 23 R.I. Gen. Laws Ann. § 23-26-7.1
  6. 23 R.I. Gen. Laws Ann. § 23-26-17
- ix. 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. 23 R.I. Gen. Laws Ann. § 23-26-3.1
  3. 23 R.I. Gen. Laws Ann. § 23-26-18
- x. 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. 23 R.I. Gen. Laws Ann. § 23-26-7.1
  3. 23 R.I. Gen. Laws Ann. § 23-26-8
  4. 23 R.I. Gen. Laws Ann. § 23-26-9
  5. 23 R.I. Gen. Laws Ann. § 23-26-12
  6. 23 R.I. Gen. Laws Ann. § 23-26-22
  7. 23 R.I. Gen. Laws Ann. § 23-26-23
- xi. Inspections



## Rhode Island State Laws Affected by H.R. 4879

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. R.I. Admin. Code 31-5-34:3.0
- 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. R.I. Admin. Code 25-3-13:4
  3. R.I. Admin. Code 25-3-27:1.7
  4. <http://www.dem.ri.gov/programs/agriculture/documents/reprtdis.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. R.I. Admin. Code 25-8-12:2.10
    3. R.I. Admin. Code 25-8-12:2.14
- d. Bees
- i. 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. R.I. Admin. Code 25-3-18:3.5
  - 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. R.I. Admin. Code 25-3-18:3.5
- 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. R.I. Admin. Code 25-3-27:1.15
  - 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. R.I. Admin. Code 25-3-25:7.6
      3. R.I. Admin. Code 25-3-27:1.12
      4. R.I. Admin. Code 25-3-27:1.13
    - 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. R.I. Admin. Code 25-3-27:1.12
  - 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. R.I. Admin. Code 25-3-27:1.11
    - ii. Swine Vesicular Disease

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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. R.I. Admin. Code 25-3-13:4
  3. R.I. Admin. Code 25-3-27:1.7
  4. <http://www.dem.ri.gov/programs/agriculture/documents/reprtdis.pdf>
- h. Exotic Meats
- i. 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. R.I. Admin. Code 25-8-15:3.7
  - ii. 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. R.I. Admin. Code 25-3-27:1.6
  - iii. Camelids: Camel, Alpaca, and Llama
    1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.
    2. R.I. Admin. Code 25-3-27:1.6
- 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. Gen.Laws 1956, § 4-25-2
      3. Gen.Laws 1956, § 4-25-3(a)
      4. Gen.Laws 1956, § 4-25-9(c-d)
- IX. Products for Animals
- a. Pet Food
    - i. Flavor Labeling

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1. These regulations govern flavor designation and labeling on pet food packaging.
      2. 250 R.I. Code R. 40-20-5.15
    - ii. Requirements of Manufacturers
      1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
      2. 4 R.I. Gen. Laws Ann. § 4-2-4
- X. Dead Animals and Animal Parts
  - a. Shark Fins
    - i. Possession or Sale
      1. These laws prohibit the sale of shark fins for human consumption or the possession of a detached shark fin within the state. (It should be noted that sharks are a class of fish and, as a result, are likely to be considered an agricultural product within the meaning of PICA).
      2. Gen.Laws 1956, § 20-1-29
- 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. RI ST § 2-17-23
  - b. 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. R.I. Admin. Code 25-3-23:2.1
  - c. Black Currant
    - i. White Pine Blister Rust
      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. R.I. Admin. Code 25-3-23:2.1
- XII. Procurement
  - a. Agricultural Goods



## Rhode Island State Laws Affected by H.R. 4879

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. Gen.Laws 1956, § 37-2-8
- 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. Gen.Laws 1956, § 23-18.13-4
- XIV. Miscellaneous
  - a. None