

Texas 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. 25 Tex. Admin. Code § 241.66
 - 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. 25 Tex. Admin. Code § 241.66
 - 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. 25 TAC § 217.21
 - c. Eggs
 - i. Licensing and Labeling Requirements
 - 1. These laws require that specific information must appear on cartons of eggs prior to sale such as the license number of the manufacturer or distributor.
 - 2. 4 TAC § 15.8
 - 3. 4 TAC § 15.2
 - d. 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. 25 Tex. Admin. Code § 241.66
 - e. Citrus
 - i. Maturity and Quality Standards
 - 1. These laws impose restrictions on the types of citrus that may be offered for sale in the state to ensure that it is fit for consumption and adheres to certain quality standards. Some require that fruit not be damaged or degraded in particular ways. Others require

that it be mature and ripe prior to sale or ensure that it comes from a licensed manufacturer.

2. 4 TAC § 21.21

f. Mushrooms

i. Wild Mushroom Processing and Licensing

1. These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.

2. 25 TAC § 228.62

g. Honey

i. Labeling of Imitation Honey and Honey Mixtures

1. The following laws regulate the label design and content of honey or imitation honey products. They are intended to increase transparency and prevent consumers from being misled.

2. V.T.C.A., Agriculture Code § 131.081

3. V.T.C.A., Agriculture Code § 131.082

4. V.T.C.A., Agriculture Code § 131.083

5. V.T.C.A., Agriculture Code § 131.084

h. 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. V.T.C.A., Health & Safety Code § 437.0193

3. V.T.C.A., Health & Safety Code § 437.0195

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. TX HEALTH & S § 481.104

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. Tex. Health & Safety Code Ann. § 796.002
3. Tex. Health & Safety Code Ann. § 796.003
4. Tex. Health & Safety Code Ann. § 796.004
5. Tex. Health & Safety Code Ann. § 796.005
6. Tex. Health & Safety Code Ann. § 796.006

IV. Fishing

a. Ocean Fishing: Commercial and Sport

i. Beyond State Waters

1. These laws not only regulate fishing activities within a state's territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
2. Tex. Parks & Wild. Code Ann. § 47.019
3. 31 Tex. Admin. Code § 57.970

ii. 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. 31 Tex. Admin. Code § 57.976
3. 31 Tex. Admin. Code § 58.203

iii. Equipment Requirements, Harvest Techniques, and Prohibitions

1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
2. 31 Tex. Admin. Code 57.973
3. 31 Tex. Admin. Code 58.160

iv. Harvest and Size Limits

1. 31 Tex. Admin. Code § 57.992
2. 31 Tex. Admin. Code § 57.981
3. Tex. Parks & Wild. Code Ann. § 66.2161
4. Tex. Parks & Wild. Code Ann. § 66.020

V. Wood and Lumber

a. None

VI. Home Goods and Products

a. Furniture and Bedding

i. Label Laws

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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. 25 Tex. Admin. Code § 205.3
3. 25 Tex. Admin. Code § 205.4
- ii. Cotton Filler Materials
 1. These laws regulate cotton materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. 25 Tex. Admin. Code § 205.5
- iii. Wood Filler Materials
 1. These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. 25 Tex. Admin. Code § 205.5
- 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. 25 Tex. Admin. Code § 205.3
 3. 25 Tex. Admin. Code § 205.5
- v. Hair Filler Materials
 1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. 25 Tex. Admin. Code § 205.5
- vi. Plant Fiber Materials
 1. These laws regulate plant fiber materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. 25 Tex. Admin. Code § 205.5
- 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. 25 Tex. Admin. Code § 205.8
 3. 25 Tex. Admin. Code § 205.9
- viii. 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. 25 Tex. Admin. Code § 205.11

- b. Stuffed Toys
 - i. Labeling
 - 1. These laws impose labeling or other requirements on stuffed toys. They are intended to increase accountability and transparency.
 - 2. V.T.C.A., Health & Safety Code § 501.023
 - ii. Flammability and Content Requirements
 - 1. These laws impose restrictions on the flammability testing, sterilization, and labeling of children’s stuffed toys. They are supplemental to federal requirements and are intended to increase safety.
 - 2. V.T.C.A., Health & Safety Code § 501.0231
 - 3. V.T.C.A., Health & Safety Code § 501.021
 - c. Children’s Clothing
 - i. Flammability and Labeling Requirements
 - 1. These laws impose restrictions on the flammability testing, hazardous substance use, and labeling of children’s clothing. They are intended to be supplemental to federal requirements and increase safety.
 - 2. V.T.C.A., Health & Safety Code § 501.021
 - 3. 25 TAC § 205.24
 - 4. 25 TAC § 205.25
 - 5. 25 TAC § 205.43
 - 6. 25 TAC § 205.44
 - ii. Registration
 - 1. These laws impose registration requirements for producers whose products contain hazardous substances. These regulations must be complied with prior to offering products for sale within the state.
 - 2. V.T.C.A., Health & Safety Code § 501.024
- 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. 4 TAC § 51.15
 - 3. 4 TAC § 54.9

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. 4 TAC § 51.2
3. 4 TAC §45.2(a)

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. 4 TAC § 35.1

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. 4 TAC § 51.8
3. 4 TAC § 43.1 et seq.

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. 4 TAC § 51.2
3. 4 TAC §45.2(a)

- v. Cattle Fever Tick
 1. These laws impose restrictions on the importation of cattle from areas where cattle fever tick infestations have been known to occur as well as cows that may have been exposed to other animals or areas where the disease was present. Animals infected with cattle fever experience high fever, loss of red blood cells, enlarged organs, and ultimately, death. States impose these regulations to protect local cows, deer, horses, and other animals from the disease.
 2. 4 TAC § 41.5
- 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. 4 TAC § 51.10
 3. 4 TAC § 40.2
- 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. V.T.C.A., Agriculture Code § 131.041
 - 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. V.T.C.A., Agriculture Code § 131.022
 - iii. Disease Free Certifications for Sale
 1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.
 2. V.T.C.A., Agriculture Code § 131.023
- 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. 4 TAC § 49.2
3. 4 TAC § 51.13

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. 4 TAC § 51.12

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. Tex. Agric. Code Ann. § 164.05
3. 4 TAC § 51.7

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. 4 TAC § 51.2
3. 4 TAC § 34.2
4. 4 TAC § 51.9

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

- v. Requirements of Manufacturers
 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 2. Tex. Agric. Code Ann. § 141.02
 - b. Commercial Feed
 - i. Labeling of Commercial Feed
 1. These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.
 2. V.T.C.A., Agriculture Code § 141.051
 3. V.T.C.A., Agriculture Code § 141.052
 4. V.T.C.A., Agriculture Code § 141.053
 5. V.T.C.A., Agriculture Code § 141.054
 - c. 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. 4 TAC § 51.14
- X. Dead Animals and Animal Parts
- a. Animal Carcasses and Grease
 - i. Transport Requirements: Use of Leakproof Container
 1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.
 2. V.T.C.A., Health & Safety Code § 144.023
 - b. Cattle Hides
 - i. Import
 1. These laws impose requirements on cattle hides imported into the state to ensure that they are free from cattle fever ticks. Some require that green hides be salted and cured for a minimum of a week prior to entry. Their intent is to protect local livestock populations from fever ticks that may be traveling on hides.
 2. 4 TAC § 41.7

- c. 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. V.T.C.A., Parks & Wildlife Code § 66.2161
- XI. Invasive Pests, Plants, and Disease
 - a. Citrus Trees
 - i. Root Weevil
 - 1. These laws place a quarantine on citrus plants and others that may have been exposed to root weevils or originate in areas where root weevils are present. They are intended to protect local citrus plants and crops.
 - 2. 4 TAC § 19.162
 - ii. Citrus Greening Disease and the Asian Citrus Psyllid
 - 1. These laws impose quarantine requirements or other conditions on importation of nursery stock or other plants that may be carrying the psyllid or other vectors of the pathogen that causes citrus greening disease. The disease destroys the quality and production of citrus trees. Infected plants ultimately die. These laws are imposed in addition to federal requirements in order to protect local citrus producers and native tree populations.
 - 2. 4 TAC § 19.617
 - 3. 4 TAC § 19.618
 - b. Citrus Budwood
 - i. Import Out-of-State Citrus Budwood
 - 1. These laws impose conditions on the movement of out-of-state budwood across state lines. They are intended to protect against various diseases, especially those affecting citrus, and to prevent their transmission into the state.
 - 2. 4 TAC § 21.40
 - c. 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. 4 TAC § 19.80
 - d. Palms

- i. Date Palm and Coconut Palm: Lethal Yellowing
 1. These laws impose quarantines and other conditions on the importation of palms that may have been exposed to lethal yellowing disease. They are intended to protect against the spread of the disease to local trees.
 2. 4 TAC § 19.50
 3. 4 TAC § 19.60
 - ii. Red Palm: Mites
 1. These laws impose quarantines and other conditions on the importation of palms that may have been exposed to red palm mites. They are intended to protect against the spread of the disease to local trees.
 2. 4 TAC § 19.600
- e. 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. 4 TAC § 19.123
 3. 4 TAC § 19.120
- f. Pine Trees
 - i. Pine Shoot Beetle
 1. The pine shoot beetle attacks new shoots of pine trees, stunting their growth, and causing their death in areas of high concentration. These laws supplement federal law and establish additional quarantine requirements, prohibit the importation of regulated articles, or otherwise require inspection of regulated articles prior to import.
 2. 4 TAC § 19.90
- g. 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. 4 TAC § 19.20
 3. 4 TAC § 19.22
 4. 4 TAC § 19.23
- h. Sweet Potatoes
 - i. Sweet Potato Weevils

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1. These laws impose quarantines or other import conditions on the interstate movement of sweet potatoes or other host materials. They are intended to protect local crops from the pests that render infested crops bitter, odiferous, and inedible.
2. 4 TAC § 19.133
- i. Corn, Sorghum, and Grains
 - i. Corn Borer
 1. These laws impose quarantines on corn, sorghum, grain, beans, beets, peppers, and other crops that originated in states affected by corn borers. They are intended to limit the spread of food-destroying pests.
 2. 4 TAC § 19.110
 3. 4 TAC § 19.112
 4. 4 TAC § 19.113
 - j. 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. 4 TAC § 20.16
 - k. Produce Generally
 - i. Fruit Flies
 1. Most of these laws require a certification of inspection or treatment for fruit flies prior to importing produce into the state for sale. They apply to various species of fruit fly and are intended to limit the spread of these insects.
 2. 4 TAC § 19.175
 3. 4 TAC § 19.153
 4. 4 TAC § 19.43
 5. 4 TAC § 19.504
 - l. 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. 4 TAC § 19.73
 3. 4 TAC § 19.70
 - ii. Fire Ants

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1. Fire ants cause damage to both agricultural crops and nursery stock. They spread through soil, manure, on the roots of nursery stock, and on earth-moving equipment, principally in the South. These laws require inspections, certifications, and quarantines of soil, nursery stock, equipment, etc. to prevent the spread of this disease.
2. 4 TAC § 19.102
- m. Other Invasive Pests
 - i. Miscellaneous
 1. These laws impose quarantines or other restrictions on plants and agricultural products that may have been exposed to certain pests or diseases not covered elsewhere in this table. They include varieties of ants, nematodes, and fungal blights.
 2. 4 TAC § 19.103
 3. 4 TAC § 19.202
 4. 4 TAC § 19.32
 5. 4 TAC § 19.23
 - n. Aquatic Invasive Plant Species Generally
 - i. Import
 1. These laws impose restrictions on aquatic plant species that can be imported into the state. They are intended to protect native wildlife and the fishing industry.
 2. 4 TAC § 19.300
 - o. Noxious Weeds
 1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 2. 4 TAC § 19.300
- XII. Procurement
 - a. None
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. None