

## Virginia 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. 2 Va. Admin. Code 5-531-60
      - 3. 2 Va. Admin. Code 5-585-400
    - ii. Alteration of Dating Labels
      - 1. These regulations prohibit manufacturers from altering “sell-by” labels in certain ways. They are intended to protect transparency and the integrity of the label.
      - 2. 2 Va. Admin. Code 5-531-60
    - iii. 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. 2 Va. Admin. Code 5-585-400
    - iv. Sale of Expired Foods
      - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
      - 2. 2 Va. Admin. Code 5-531-60
  - b. Dairy
    - i. Date Labels
      - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
      - 2. 2 Va. Admin. Code 5-531-60
  - c. 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. 2 VAC 5-490-50
  - d. Shellfish
    - i. Date Labels



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2. VA Code Ann. § 28.2-228.1
- V. Wood and Lumber
  - a. Christmas Trees
    - i. Import Requirements
      1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
      2. VA Code Ann. § 3.2-3804
- 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. Va. Code Ann. § 32.1-219
      3. Va. Code Ann. § 32.1-220
      4. Va. Code Ann. § 32.1-221
    - ii. 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. Va. Code Ann. § 32.1-213
      3. Va. Code Ann. § 32.1-214
    - iii. Hair Filler Materials
      1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
      2. Va. Code Ann. § 32.1-213
      3. Va. Code Ann. § 32.1-214
    - iv. 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. Va. Code Ann. § 32.1-213
      3. Va. Code Ann. § 32.1-214
    - v. Registration, Licensing, and Permits

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1. These laws impose registration, licensing, or permitting requirements on producers or manufacturers of bedding and other products such as mattresses.
  2. Va. Code Ann. § 32.1-216
  3. Va. Code Ann. § 32.1-217
  4. Va. Code Ann. § 32.1-218
- vi. Storage and Facilities
1. These laws regulate the storage, transportation, or manufacture of bedding, mattresses, or other similar materials offered for sale.
  2. Va. Code Ann. § 32.1-223
- vii. Damaged Goods
1. These regulations impose restrictions on the sale of bedding or other similar items that have been damaged or otherwise contain damaged materials. Some require the manufacturer remake or pay for the return of products not made to satisfaction.
  2. Va. Code Ann. § 32.1-222
- 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. 2 VAC 5-30-30
    3. 2 VAC 5-141-60
- 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. 2 VAC 5-141-20
    3. <https://law.lis.virginia.gov/admincode/title2/agency5/chapter30/section30/>
  - 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. 2 VAC 5-141-70
- 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. 2 VAC 5-141-70
  3. 2 VAC 5-40-50
  4. 2 VAC 5-141-110
- 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. 2 VAC 5-141-20
  3. <https://law.lis.virginia.gov/admincode/title2/agency5/chapter30/section30/>
- 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. 2 VAC 5-30-30

3. 4 VAC 15-90-293
- 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. Va. Code Ann. § 3.2-4405
    3. Va. Code Ann. § 3.2-4406
  - ii. Disease Free Certification of 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. VA Code Ann. § 3.2-4407
- 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. 2 VAC 5-141-100
- 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. 2 VAC 5-141-90
    3. 2 VAC 5-206-30
  - 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. 2 VAC 5-205-100

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. 2 VAC 5-141-120

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. 2 VAC 5-141-20

3. <https://law.lis.virginia.gov/admincode/title2/agency5/chapter30/section30/>

h. Exotic Meats

i. Reindeer

1. These regulations prohibit the importation of reindeer. They are intended to prohibit the spread of disease and protect local cervid populations.

2. 4 VAC 15-90-293

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. Va. Code Ann. § 3.2-6510

ii. 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.

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2. Va. Code Ann. § 3.2-6511.1
  3. Va. Code Ann. § 3.2-6512
  4. Va. Code Ann. § 3.2-6512
  5. Va. Code Ann. § 3.2-6515
- iii. 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. VA ST § 3.2-5902
    3. 2 VA ADC 5-141-40
    4. 2 VA ADC 5-141-80
- IX. Products for Animals
- a. Commercial Feed
    - i. Content Requirements for Commercial Feed
      1. These laws regulate the content of commercial feed to ensure that it meets nutritional requirements and is free of harmful materials and biological residues. They are intended to ensure that commercial feed is wholesome and safe for the animals that consume it.
      2. VA Code Ann. § 3.2-4806
- X. Dead Animals and Animal Parts
- a. None
- 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. 4 VAC 5-30-410
  - 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. 2 VAC 5-330-30



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3. 2 VAC 5-330-20
- c. 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. 2 VAC 5-325-20
  - d. 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. 2 VAC 5-450-40
  - e. 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. 2 VAC 5-318-120
      3. 2 VAC 5-318-40
  - f. 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. 2 VAC 5-450-40
  - g. 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. 2 VAC 5-440-30
    - h. Various Other Plants

- i. Fire Ants
    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. 2 VAC 5-315-40
    3. 2 VAC 5-315-60
  - i. 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. 2 VAC 5-317-60
  - j. Noxious Weed Seeds
    1. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.
    2. 2 VAC 5-390-20
- 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. VA Code Ann. § 2.2-4328
    3. VA Code Ann. § 2.2-4324
- 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. VA Code Ann. § 10.1-1425.22
- XIV. Miscellaneous

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- a. None