

SECOND REGULAR SESSION

# HOUSE BILL NO. 1634

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OVERCAST.

4223H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal sections 266.160 and 266.180, RSMo, and to enact in lieu thereof two new sections relating to commercial feed.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

- Section A. Sections 266.160 and 266.180, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 266.160 and 266.180, to read as follows:
- 266.160. When used in sections 266.152 to 266.220 the following terms mean:
- (1) "Brand name", any word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor, manufacturer or guarantor and distinguishing it from that of others;
- (2) "Commercial feed", all materials or combinations of materials which are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted by the director. Unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of subsection 1 of section 266.180, as well as wild bird seed, are exempt from the definition of commercial feed. **Commercial feed shall include "industrial hemp" as defined in section 195.010 and as authorized under subdivision (2) of section 266.180.** The director by rule may exempt from this definition or from specific provisions of sections 266.152 to 266.220, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed with other materials and are not adulterated within the meaning of ~~subsection 1~~ **subdivision (1)** of section 266.180, **except for the inclusion of industrial hemp under subdivision (2) of such section.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 Commercial feed shall not include feed that is manufactured, distributed and consumed by the  
19 manufacturer's own livestock;

20 (3) "Consultant-formulated feed", commercial feed manufactured for a final  
21 purchaser based upon a formula and/or specifications developed for the feed purchaser by  
22 an independent consultant or feed manufacturer;

23 (4) "Customer-formula feed", commercial feed which consists of a mixture of  
24 commercial feeds or feed ingredients or both, each batch of which is manufactured according  
25 to the specific instructions of the final purchaser;

26 (5) "Department", the Missouri department of agriculture;

27 (6) "Director", the director of the Missouri department of agriculture;

28 (7) "Distribute", to offer for sale, sell, exchange, or barter, commercial feed; or to  
29 supply, furnish, or otherwise provide commercial feed;

30 (8) "Distributor", any person who distributes;

31 (9) "Drug", any article intended for use in the diagnosis, cure, mitigation, treatment,  
32 or prevention of disease in animals other than man, and articles other than feed intended to  
33 affect the structure or any function of the animal body;

34 (10) "Feed ingredient", each of the constituent materials making up a commercial  
35 feed;

36 (11) "Independent consultant", any person who provides animal nutritional  
37 formulation to a feed purchaser for a fee rather than the sale of feed except that a  
38 veterinarian actively treating an identified animal is not an independent consultant;

39 (12) "Label", a display of written, printed or graphic matter upon or affixed to the  
40 container in which a commercial feed is distributed, or on the invoice or delivery slip with  
41 which a commercial feed is distributed;

42 (13) "Labeling", all labels and other written, printed or graphic matter:

43 (a) Upon a commercial feed or any of its containers or wrapper; or

44 (b) Accompanying such commercial feed;

45 (14) "Manufacture", to grind, mix or blend, or further process a commercial feed for  
46 distribution;

47 (15) "Metric ton", a metric ton of one thousand kilograms or two thousand two  
48 hundred and four pounds avoirdupois;

49 (16) "Mineral feed", a commercial feed intended to supply primarily mineral  
50 elements or inorganic nutrients;

51 (17) "Official sample", a sample of feed taken by the director or the director's agent in  
52 accordance with the provisions of subsection 3, 5, 6 or 9 of section 266.200;

53 (18) "Percent" or "percentages", percentages by weights;

54 (19) "Person" includes individual, partnership, corporation, and association;

55 (20) "Pet", any domesticated animal normally maintained in or near the household of  
56 the owner thereof;

57 (21) "Pet food", any commercial feed prepared and distributed for consumption by  
58 dogs and cats;

59 (22) "Product name", the name of the commercial feed which identifies it as to kind,  
60 class, or specific use;

61 (23) "Quantity statement", the net weight (mass), net volume (liquid or dry), or count;

62 (24) "Rule", an administrative rule as defined by chapter 536 or further elaboration of  
63 a particular statute;

64 (25) "Specialty pet", any domesticated animal pet normally maintained in a cage or  
65 tank, such as but not limited to gerbils, hamsters, birds, fish, and turtles;

66 (26) "Specialty pet food", any commercial feed prepared and distributed for  
67 consumption by specialty pets;

68 (27) "Ton", a net weight of two thousand pounds avoirdupois.

266.180. 1. A commercial feed shall be deemed to be adulterated:

2 (1) (a) If it bears or contains any poisonous or deleterious substance which may  
3 render it injurious to health; but in case the substance is not an added substance, such  
4 commercial feed shall not be considered adulterated under this subdivision if the quantity of  
5 such substance in such commercial feed does not ordinarily render it injurious to health; or

6 (b) If it bears or contains any added poisonous, added deleterious, or added  
7 nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal  
8 Food, Drug, and Cosmetic Act (other than one which is (i) a pesticide chemical in or on a raw  
9 agricultural commodity; or (ii) a food additive); or

10 (c) If it is, or it bears or contains any food additive which is unsafe within the  
11 meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or

12 (d) If it is a raw agricultural commodity and it bears or contains a pesticide chemical  
13 which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and  
14 Cosmetic Act; provided, where a pesticide chemical has been used in or on a raw agricultural  
15 commodity in conformity with an exemption granted or a tolerance prescribed under Section  
16 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has  
17 been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the  
18 residue of such pesticide chemical remaining in or on such processed feed shall not be  
19 deemed unsafe if such residue in or on the raw agricultural commodity has been removed to  
20 the extent possible in good manufacturing practice and the concentration of such residue in  
21 the processed feed is not greater than the tolerance prescribed for the raw agricultural  
22 commodity unless the feeding of such processed feed will result or is likely to result in a

23 pesticide residue in the edible product of the animal, which is unsafe within the meaning of  
24 Section 408(a), of the Federal Food, Drug, and Cosmetic Act;

25 (e) If it is, or it bears or contains any color additive which is unsafe within the  
26 meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;

27 (f) If it is, or it bears or contains any new animal drug which is unsafe within the  
28 meaning of section 514 of the Federal Food, Drug, and Cosmetic Act;

29 (g) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or  
30 if it is otherwise unfit for feed;

31 (h) If it has been prepared, packed, or held under insanitary conditions whereby it  
32 may have become contaminated with filth, or whereby it may have been rendered injurious to  
33 health;

34 (i) If it is, in whole or in part, the product of a diseased animal or of an animal which  
35 dies other than by slaughter which is unsafe within the meaning of section 402(a)(5) of the  
36 Federal Food, Drug, and Cosmetic Act;

37 (j) If its container is composed, in whole or in part, of any poisonous or deleterious  
38 substance which may render the contents injurious to health;

39 (k) If it has been intentionally subjected to radiation, unless the use of the radiation  
40 was in conformity with the regulation or exemption in effect pursuant to section 409 of the  
41 Federal Food, Drug, and Cosmetic Act;

42 (2) If any valuable constituent has been in whole or in part omitted or abstracted  
43 therefrom or any less valuable substance substituted therefor;

44 (3) If its composition or quality falls below or differs from that which it is purported  
45 or is represented to possess by its labeling;

46 (4) If it contains a drug and the methods used in or the facilities or controls used for  
47 its manufacture, processing, or packaging do not conform to current good manufacturing  
48 practice regulations promulgated by the director to assure that the drug meets the requirement  
49 of sections 266.152 to 266.220 as to safety and has the identity and strength and meets the  
50 quality and purity characteristics which it purports or is represented to possess. In  
51 promulgating such rules, the director shall adopt the current good manufacturing practice  
52 regulations for type A medicated articles and type B and type C medicated feeds established  
53 under authority of the Federal Food, Drug, and Cosmetic Act, unless the director determines  
54 that they are not appropriate to the conditions which exist in this state;

55 (5) If it contains viable weed seeds in amounts exceeding the limits which the director  
56 shall establish by rule.

57           2. Commercial feed shall not be deemed to be adulterated solely due to  
58 containing seed from industrial hemp if such commercial feed is used as feed or for  
59 mixing in feed for a pet, specialty pet, horse, or laying hens.

✓