

Chapter 31

(Senate Bill 82)

AN ACT concerning

Maryland Commercial Feed Law – Definitions – Prohibition on Sale

FOR the purpose of prohibiting a person from adulterating or misbranding a commercial feed, distributing, removing, or disposing of a commercial feed under certain circumstances, or altering certain labels; altering certain definitions; and generally relating to the sale of feed under the Maryland Commercial Feed Law.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 6–101(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 6–101(b) and (d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Agriculture
Section 6–112.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Agriculture

6–101.

(a) In this subtitle the following words have the meanings indicated.

(b) A commercial feed is “adulterated” if:

(1) [Any poisonous, deleterious, or nonnutritive ingredient is added in sufficient amount to render it injurious to health when fed in accordance with

directions for use on the label] **THE FEED CONTAINS ANY POISONOUS OR DELETERIOUS SUBSTANCE THAT MAY RENDER THE FEED INJURIOUS TO HUMAN OR ANIMAL HEALTH, EXCEPT WHEN THE SUBSTANCE IS NOT ADDED TO THE FEED AND THE QUANTITY OF THE SUBSTANCE DOES NOT ORDINARILY RENDER IT INJURIOUS TO HUMAN OR ANIMAL HEALTH;**

(2) A valuable constituent is omitted or abstracted wholly or partially from it or any less valuable substance is substituted for it;

(3) Its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling; [or]

(4) [It contains added hulls, screenings, straw, cobs, or other high fiber material, unless the name of each material is stated on the label.] **THE FEED CONTAINS ANY ADDED POISONOUS, ADDED DELETERIOUS, OR ADDED NONNUTRITIVE SUBSTANCE WHICH IS UNSAFE;**

(5) **THE FEED CONSISTS, IN WHOLE OR PART, OF ANY FILTHY, PUTRID, OR DECOMPOSED SUBSTANCE, OR IS OTHERWISE UNFIT FOR FEED; OR**

(6) **THE FEED HAS BEEN PREPARED, PACKED, OR HELD UNDER UNSANITARY CONDITIONS WHERE THE FEED MAY HAVE BECOME CONTAMINATED WITH FILTH OR RENDERED INJURIOUS TO HUMAN OR ANIMAL HEALTH.**

(d) “Commercial feed” means [a material which is distributed for use as feed or for mixing in feed for any animal, other than man, except:

(1) Unmixed and unprocessed whole seeds or meal made directly from the entire seeds;

(2) Unground hay; or

(3) Whole or ground straw, stover, silage, cobs, and hulls not mixed with any other material.] **A MATERIAL OR COMBINATION OF MATERIALS DISTRIBUTED, OR INTENDED FOR DISTRIBUTION, FOR USE AS FEED, OR FOR MIXING IN FEED FOR ANY ANIMAL OTHER THAN MAN INCLUDING FEED PREPARED AND DISTRIBUTED FOR CONSUMPTION BY DOGS AND CATS, OR ANY DOMESTICATED ANIMAL NORMALLY MAINTAINED IN A CAGE OR TANK, INCLUDING GERBILS, HAMSTERS, CANARIES, PSITTACINE BIRDS, MYNAHS, FINCHES, TROPICAL FISH, GOLDFISH, SNAKES, AND TURTLES, EXCEPT:**

(1) **UNMIXED WHOLE SEEDS AND PHYSICALLY ALTERED ENTIRE UNMIXED SEEDS THAT ARE NOT CHEMICALLY ALTERED OR ADULTERATED; OR**

(2) COMMODITIES SUCH AS HAY, STRAW, STOVER, SILAGE, COBS, HUSKS, HULLS, AND INDIVIDUAL CHEMICAL COMPOUNDS OR SUBSTANCES WHEN THE COMMODITIES, COMPOUNDS, OR SUBSTANCES ARE NOT INTERMIXED WITH OTHER MATERIALS OR ADULTERATED.

6-112.1.

A PERSON MAY NOT:

(1) ADULTERATE OR MISBRAND A COMMERCIAL FEED;

(2) DISTRIBUTE A COMMERCIAL FEED THAT IS NOT REGISTERED WITH THE DEPARTMENT;

(3) REMOVE OR DISPOSE OF A COMMERCIAL FEED IN VIOLATION OF A "STOP SALE" ORDER ISSUED UNDER § 6-113 OF THIS SUBTITLE; OR

(4) DETACH, ALTER, DEFACE, OR DESTROY, WHOLLY OR PARTIALLY, ANY LABEL OR LABELING REQUIRED UNDER THIS SUBTITLE OR DEPARTMENT REGULATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.