

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

Senate Bill 82 (Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Agriculture)

Education, Health, and Environmental Affairs

Environmental Matters

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**Maryland Commercial Feed Law - Definitions - Prohibition on Sale**

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This departmental bill modifies the definitions of “commercial feed” and “adulterated” to make them consistent with the recommendations of the Association of American Feed Control Officials (AAFCO). The bill also prohibits a person from adulterating or misbranding commercial feed, distributing a commercial feed that is not registered with the Maryland Department of Agriculture (MDA), removing or disposing of a commercial feed in violation of a “stop sale” order, and altering/destroying any required label on commercial feed products.

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**Fiscal Summary**

**State Effect:** None. The bill does not substantively change State activities or operations.

**Local Effect:** None.

**Small Business Effect:** MDA has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** MDA regulates all commercial animal feeds through registration of distributed products, inspection, sampling, and laboratory testing.

“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 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; (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.

A distributor must register each brand name or product name of commercial feed before distributing it in the State. As long as the product label has not been altered or changed, a distributor may not be required to register any brand of commercial feed which has already been registered by another person.

In general, commercial feed distributed in the State must bear a label that includes specified information, including the name of each ingredient used and an analysis of the commercial feed. No person may distribute adulterated or misbranded feed. The Secretary of Agriculture is authorized to issue and enforce a written stop-sale order to the owner, custodian, or distributor of any commercial feed that the Secretary finds is in violation of the Maryland Commercial Feed Law or its implementing regulations, or that has been found by federal or State authorities to cause unreasonable adverse effects to humans, animals, or the environment.

**Background:** According to MDA, for consistency and thoroughness, most states rely on the model statutes and regulations adopted by AAFCO as the legal requirements for the commercial feed industry. According to MDA, some of the current definitions in State law lack the clarity and specificity of those found in the AAFCO model bill and regulations. In addition, current law does not explicitly prohibit people from adulterating or misbranding a commercial feed or removing a feed under a stop-sale order. Thus, MDA advises that the bill’s changes, which make State law consistent with the AAFCO model regulations, will provide a more effective, fair, and consistent regulation of the commercial feed industry. MDA advises that the AAFCO model bill and regulations used as a model for the bill are endorsed by the American Feed Industry Association, the National Grain and Feed Association, the Pet Food Institute, and other state departments of agriculture.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture, Department of Legislative Services

**Fiscal Note History:** First Reader - January 22, 2010  
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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Maryland Commercial Feed Law - Definitions – Prohibition on Sale

BILL NUMBER: SB 82

PREPARED BY: Maryland Department of Agriculture

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.