

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Frances Aucoin.

---

DIGEST

SB 249 Original

2024 Regular Session

Cathey

Present law (R.S. 3:1382) provides that the state chemist is responsible for making any chemical analysis or other tests necessary.

Proposed law retains present law and further provides that the state chemist responsibilities include determining annually the values per pound of nitrogen, available phosphoric acid, potash, and any other substance claimed to have value as a fertilizer, and determining the value of protein and any other substance guaranteed as a commercial feed.

Proposed law provides that the determined values must be used in determining and assessing penalties.

Present law (R.S. 3:1391) provides for definitions related to commercial feed.

Proposed law retains present law and further provides for the definition of "guarantor".

Present law (R.S. 3:1392) authorizes the commission to adopt any federal regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act.

Proposed law retains present law and further authorizes the commission to adopt any federal regulation promulgated pursuant to the Food and Drug Administration (FDA) or the Food Safety Modernization Act (FSMA).

Present law (R.S. 3:1393) provides that a distributor may apply to the commission for registration as a manufacturer and for authority to label feeds for sale in Louisiana.

Proposed law retains present law and further provides that a guarantor may also apply to the commission for registration as a manufacturer and for authority to label feeds for sale in Louisiana.

Present law (R.S. 3:1396) classifies when a commercial feed is or is not considered adulterated depending on if it contains a poisonous or deleterious substance causing injury to health.

Proposed law retains present law and specifies that the injury is to the health of human or animal.

Proposed law provides that a commercial feed will be deemed to be adulterated if:

- (1) It bears or contains any new animal drug which is unsafe according to the Federal Food, Drug, and Cosmetic Act.

- (2) It consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise unfit for feed.
- (3) It is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter which is unsafe according to the Federal Food, Drug, and Cosmetic Act.
- (4) The manufacture, processing, packaging, or distribution and use do not comply with the requirements of the Code of Federal Regulations.

Present law provides that a commercial feed will be deemed to be adulterated if it contains a drug or antibiotic and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to good manufacturing practice regulations.

Proposed law clarifies that the drug must be one defined by the Federal Food, Drug, and Cosmetic Act and removes the criteria that the commercial feed will be deemed to be adulterated if it contains an antibiotic.

Present law (R.S. 3:1398) provides that the inspection of commercial feed may include the verification of such records and production and control procedures that are necessary to determine compliance with current good manufacturing practices regulations for non-medicated and medicated feeds.

Proposed law retains present law and further provides that in promulgating such regulations, the commission can adopt the good manufacturing practice regulations in accordance with federal regulations.

Present law (R.S. 3:1400) provides that a deficiency assessment of no less than \$10 dollars will be assessed against the registrant regarding the shipment of feed in accordance with certain provisions, such as crude protein, crude fat, crude fiber, and minerals.

Proposed law retains present law and further provides an additional provision; for all other guarantees, a deficiency assessment cannot exceed 10 percent of the purchase price of the feed.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:1382(E), 1391(7) - (26), 1392(B)(2), 1393(A), 1396(A)(1) and (6) - (9), and 1398(A); adds 1391(27), 1396(A)(10) - (13), and 1400(A)(5))