

RÉSUMÉ DIGEST

ACT 101 (SB 249)

2024 Regular Session

Cathey

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

New law retains existing 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.

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

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

New law retains existing law and adds the definition of "guarantor".

Existing 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.

New law retains existing 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).

Existing 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.

New law retains existing 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.

Existing 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.

New law retains existing law and specifies that the injury is to the health of human or animal.

New 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.

Prior law provided that a commercial feed would be deemed to be adulterated if it contained a drug or antibiotic and the methods used in or the facilities or controls used for its manufacture, processing, or packaging did not conform to good manufacturing practice regulations.

New 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.

Existing 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.

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

Existing 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.

New law retains existing 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 May 21, 2024.

(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))