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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lanese

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SUMMARY

- Prohibits pet food from containing remains from an animal that was euthanized by the use of any drug injected intravenously or through another nonvascular route.
- Prohibits pet food from containing any dog or cat remains.

DETAILED ANALYSIS

Background

Current law prohibits a person from adulterating commercial feed or distributing adulterated commercial feed.¹ Commercial feed is all materials, except unmixed whole seeds or physically altered entire unmixed seeds, that are not adulterated and that are distributed for use as feed or for mixing in feed for animals.²

Commercial feed is adulterated if any of the following occur:

1. It bears or contains any poisonous or deleterious substance that may render it injurious to animal or human health;
2. It bears or contains any added poisonous, deleterious, or nonnutritive substance that is unsafe according to federal law;
3. It is, or it bears or contains any food additive that is unsafe according to federal law;
4. It is a raw agricultural commodity and bears or contains a pesticide chemical that is unsafe according to federal law;
5. It bears or contains any color additive that is unsafe according to federal law;

¹ R.C. 923.51(A).

² R.C. 923.41(B).

6. It is, or bears or contains any new animal drug that is unsafe according to federal law;
7. A valuable component is omitted or abstracted from it in whole or in part or a less valuable component is substituted for a valuable component;
8. Its composition or quality falls below or differs from what it is purported or represented to possess by its labeling;
9. It contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practices as determined by the Director of Agriculture in rules to assure that the drug meets the requirements of the laws governing livestock feeds for safety and has the identity and strength and meets the quality and purity characteristics that it purports or is represented to possess.
10. It contains viable weed seeds in amounts exceeding limits for weed seeds established by the Director by rule.³

Any person who adulterates commercial feed or distributes it is guilty of a fourth degree misdemeanor on a first offense, and a third degree misdemeanor on each subsequent offense.⁴

Adulterated pet food

Pet food is a specific type of commercial feed that is not currently defined in the Ohio Revised Code, but is defined in the Ohio Administrative Code as any commercial feed prepared and distributed for consumption by domestic animals normally maintained in or near a household.⁵ The bill codifies this term⁶ and specifies that pet food, in addition to being adulterated in one of the ten ways specified in current law (see above), is adulterated if either of the following applies:

1. It contains any animal remains from an animal that has been euthanized by the use of any drug injected intravenously or through another nonvascular route; or
2. It contains any dog or cat remains, regardless of how the dog or cat died or was killed.⁷

A person who adulterates or distributes adulterated pet food is guilty of a fourth degree misdemeanor on a first offense and a third degree misdemeanor on each subsequent offense.⁸

³ R.C. 923.48.

⁴ R.C. 923.99, not in the bill.

⁵ Ohio Administrative Code 901:5-7-01.

⁶ R.C. 923.41(V) and (W).

⁷ R.C. 923.48(B)(2) and (3).

⁸ R.C. 923.99, not in the bill.

HISTORY

Action	Date
Introduced	02-12-19
