

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 95

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO COMMERCIAL FEED; AMENDING SECTION 25-2703, IDAHO CODE, TO CLAR-  
2 IFY THAT ANIMAL REMEDIES FOR CERTAIN ANIMALS THAT INCLUDE INGREDIENTS  
3 FROM INDUSTRIAL HEMP ARE NOT CONSIDERED ADULTERATED AND TO MAKE TECHNICAL  
4 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
5 DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 25-2703, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 25-2703. DEFINITIONS. When used in this chapter:

11 (1) The term "animal remedy" means any drug, combination of drugs,  
12 pharmaceutical, proprietary medicine, veterinary biologics, or combination  
13 of drugs and other ingredients, other than for food or cosmetic purposes,  
14 which is prepared or compounded for any animal use except man, or materials  
15 other than food intended to affect the structure or any function of the body  
16 of animals other than man. This term does not include medicated feeds.

17 (2) The term "brand name" means any word, name, symbol or device, or  
18 any combination thereof, identifying the commercial feed of a distributor or  
19 registrant and distinguishing it from that of others.

20 (3) The term "commercial feed" means all materials or combination of  
21 materials ~~which~~ that are distributed or intended for distribution for use as  
22 feed, or for mixing in feed, for poultry and animals other than man, except:

23 (a) Unmixed whole seeds and physically altered entire unmixed seeds,  
24 when such whole or physically altered seeds are not chemically changed  
25 or are not adulterated within the meaning of section 25-2707, Idaho  
26 Code, or misbranded within the meaning of section 25-2708, Idaho Code.

27 (b) Seeds mixed and planted as such mixture, grown and harvested as one  
28 (1) crop, and processed as one (1) mixture when not adulterated within  
29 the meaning of section 25-2707, Idaho Code, or misbranded within the  
30 meaning of section 25-2708, Idaho Code.

31 (c) All hay, except commercially dehydrated legumes and grasses and  
32 when not adulterated within the meaning of section 25-2707, Idaho Code,  
33 or misbranded within the meaning of section 25-2708, Idaho Code.

34 (d) Whole or ground straw, stover, silage, cobs, husks, hulls, wet or  
35 pressed beet pulp, pea screenings and beet discard molasses when not  
36 mixed with other materials and when not adulterated within the meaning  
37 of section 25-2707, Idaho Code, or misbranded within the meaning of sec-  
38 tion 25-2708, Idaho Code.

39 (e) Live, whole or unprocessed animals when not adulterated within the  
40 meaning of section 25-2707, Idaho Code, or misbranded within the mean-  
41 ing of section 25-2708, Idaho Code.

1 (f) Animal remedies when not adulterated within the meaning of sec-  
2 tion 25-2707, Idaho Code, or misbranded within the meaning of section  
3 25-2708, Idaho Code. Animal remedies for pets, specialty pets, and  
4 equines that include ingredients from industrial hemp as defined in  
5 section 22-1703, Idaho Code, and as defined in section 37-2705(d) (27),  
6 Idaho Code, are not considered adulterated.

7 (g) Individual mineral substances when not mixed with another material  
8 and when not adulterated within the meaning of section 25-2707, Idaho  
9 Code, or misbranded within the meaning of section 25-2708, Idaho Code.

10 (h) Certain processing byproducts or production waste, identified by  
11 the director in rule, without further processing, received by the end  
12 user directly from the food processor when not adulterated within the  
13 meaning of section 25-2707, Idaho Code, or misbranded within the mean-  
14 ing of section 25-2708, Idaho Code.

15 The director, by rule, may exempt from this definition, or from specific  
16 provisions of this chapter, commodities, and individual chemical compounds  
17 or substances when such commodities, compounds or substances are not in-  
18 termixed with other materials, and are not adulterated according to the  
19 provisions of section 25-2707, Idaho Code, or misbranded within the meaning  
20 of section 25-2708, Idaho Code.

21 (4) The term "contract feeder" means a person who as an independent  
22 contractor, feeds commercial feed to animals pursuant to a contract whereby  
23 such commercial feed is supplied, furnished, or otherwise provided to such  
24 person and whereby such person's remuneration is determined, all or in part,  
25 by feed consumption, mortality, profits, or amount or quality of product.

26 (5) The term "customer-formula feed" means commercial feed ~~which~~ that  
27 consists of a mixture of commercial feeds and/or feed ingredients, each  
28 batch of which is manufactured according to the specific instructions of  
29 the final purchaser, end user or consumer. Customer-formula feed does not  
30 include commercial feeds ~~which~~ that are used as ingredients in other commer-  
31 cial feed or are offered for retail or further distribution.

32 (6) The term "department" means the Idaho department of agriculture.

33 (7) The term "director" means the director of the Idaho department of  
34 agriculture or the director's authorized agent.

35 (8) The term "distribute" means to offer for sale, sell, exchange or  
36 barter commercial feeds in or into this state, or to supply, furnish, or oth-  
37 erwise provide commercial feed to a contract feeder.

38 (9) The term "distributor" means any person who distributes.

39 (10) The term "drug" means any article intended for use in the diagno-  
40 sis, cure, mitigation, treatment, or prevention of disease in animals other  
41 than man and articles other than feed intended to affect the structure or any  
42 function of the animal body.

43 (11) The term "feed ingredient" means each of the constituent materials  
44 making up a commercial feed.

45 (12) The term "label" means a display of written, printed, or graphic  
46 matter upon or affixed to the container in which a commercial feed is dis-  
47 tributed, or on the invoice or delivery slip with which a commercial feed is  
48 distributed.

49 (13) The term "labeling" means all labels and other written, printed, or  
50 graphic matter upon a commercial feed or any of its containers or wrapper, or

1 accompanying such commercial feed. This includes statements and promotion  
2 on company websites or other internet-based customer interfaces.

3 (14) The term "manufacture" means to grind, mix or blend, or further  
4 process a commercial feed for distribution.

5 (15) The term "medicated feed" means any feed ~~which~~ that contains drug  
6 ingredients intended or presented for the cure, mitigation, treatment, or  
7 prevention of disease in animals other than man or ~~which~~ that contains drug  
8 ingredients intended to affect the structure or any function of the body of  
9 animals other than man.

10 (16) The term "mineral" means a naturally occurring, homogeneous inor-  
11 ganic solid substance, essential to the nutrition of animals, having a def-  
12 inite chemical composition and characteristic crystalline structure, color  
13 and hardness.

14 (17) The term "mineral feed" means a commercial feed intended to supply  
15 primarily mineral elements or inorganic nutrients.

16 (18) The term "official sample" means a sample of commercial feed taken  
17 by the director or an authorized agent in accordance with the provisions of  
18 section 25-2709, Idaho Code.

19 (19) The term "percent" or "percentage" means percentage by weight.

20 (20) The term "person" includes an individual, partnership, corpora-  
21 tion, firm, association and agent.

22 (21) The term "pet" means any domesticated animal normally maintained  
23 in or near the household(s) of the owner(s) thereof.

24 (22) The term "pet food" means any commercial feed prepared and dis-  
25 tributed for consumption by dogs and cats.

26 (23) The term "pharmaceutical" means any product prescribed for the  
27 treatment or prevention of disease for veterinary purposes, including  
28 vaccines, synthetic and natural hormones, anesthetics, stimulants or de-  
29 pressants.

30 (24) The term "product name" means the name of the commercial feed ~~which~~  
31 that identifies it as to kind, class or specific use.

32 (25) The term "purchase" includes taking by sale, discount, negotia-  
33 tion, mortgage, pledge, lien, issue or reissue, gift or any other voluntary  
34 transaction creating an interest in property.

35 (26) The term "purchaser" means a person who takes by purchase.

36 (27) The term "registrant" means that person, manufacturer, guarantor,  
37 or distributor who registers a product or products according to the provi-  
38 sions of section 25-2704, Idaho Code.

39 (28) The term "sell" or "sale" includes exchange.

40 (29) The term "specialty pet" means any domesticated animal pet nor-  
41 mally maintained in a cage or tank, such as ~~7~~ but not limited to ~~7~~ gerbils,  
42 hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, gold-  
43 fish, snakes and turtles.

44 (30) The term "specialty pet food" means any commercial feed prepared  
45 and distributed for consumption by specialty pets.

46 (31) The term "ton" means a net weight of two thousand (2,000) pounds av-  
47 oirdupois.

48 (32) The term "veterinary biologics" means any biologic product used  
49 for veterinary purposes, including ~~7~~ but not limited to ~~7~~ antibiotics, an-  
50 tiparasiticides, growth promotants and bioculture products.

1           (33) Words importing the singular number may extend and be applied to  
2 several persons or things and words importing the plural may include the sin-  
3 gular.

4           SECTION 2. An emergency existing therefor, which emergency is hereby  
5 declared to exist, this act shall be in full force and effect on and after  
6 July 1, 2023.