

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

732H0141

HOUSE BILL NO. 1217

Introduced by: Representatives Hansen (Tom), Begalka, Jaspers, Jensen, Klaudt, and Napoli
and Senators Drake and Dennert

1 FOR AN ACT ENTITLED, An Act to amend certain administrative rules related to livestock
2 feed labeling, handling, and storage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That ARSD 12:53:01:14 be amended to read as follows:

5 12:53:01:14. ~~Complete and mixed supplement ruminant livestock feeds manufactured in a~~
6 ~~facility that handles or stores any ingredient, or product containing an ingredient, prohibited from~~
7 ~~use in ruminant livestock feed pursuant to the Code of Federal Regulations, 21 C.F.R. 589.2000,~~
8 ~~as amended to March 1, 2001, shall state on the label, "This product was made in a feed~~
9 ~~manufacturing facility that handles or stores products containing animal proteins prohibited in~~
10 ~~ruminant feed."~~

11 ~~—Complete and mixed supplement ruminant livestock feeds manufactured in a facility that does~~
12 ~~not handle or store any ingredient, or product containing an ingredient, that is prohibited from~~
13 ~~use in ruminant livestock feed pursuant to the Code of Federal Regulations, 21 C.F.R. 589.2000,~~
14 ~~as amended to March 1, 2001, shall state on the label, "This product was made in a feed~~
15 ~~manufacturing facility that does not handle or store products containing animal proteins~~



1 ~~prohibited in ruminant feed." This includes facilities that store prohibited materials in separate~~
2 ~~buildings or in an area that is physically separated by a wall or similar means that prevents the~~
3 ~~commingling of prohibited and nonprohibited materials.~~

4 ~~Commercial feeds, other than customer formula feeds, shall be labeled with the appropriate~~
5 ~~statement on the principal display panel of the product label. For customer formula feeds, the~~
6 ~~appropriate statement shall appear on the label, invoice, delivery ticket, or other shipping~~
7 ~~document.~~

8 ~~The Secretary of Agriculture may consider alternative methods of communicating the~~
9 ~~required information if a written request is submitted by the manufacturer and the proposed~~
10 ~~alternative provides an equivalent level of communication to the consumer. Commercial feeds,~~
11 ~~and other customer formula feeds containing an ingredient prohibited from use in ruminant~~
12 ~~livestock feed pursuant to the Code of Federal Regulations, 21 C.F.R. 589.2000, as amended to~~
13 ~~March 1, 2001, shall state on the label, invoice, delivery ticket, or other shipping document,~~
14 ~~"This product contains animal protein ingredients prohibited in ruminant livestock feed."~~

15 Section 2. That ARSD 12:53:01:15 be amended to read as follows:

16 12:53:01:15. Any person who manufactures ruminant livestock feed for distribution or for
17 the person's own use, may not handle in any equipment, or store in the feed manufacturing
18 facility or other areas used for the storage of materials for the production of ruminant livestock
19 feeds or for feeding to ruminants, any bulk ingredient or product containing an ingredient that
20 is prohibited from use in ruminant livestock feeds pursuant to the Code of Federal Regulations,
21 21 C.F.R. 589.2000, as amended to March 1, 2001. Storage may occur in the same building if
22 there is a physical separation of prohibited and nonprohibited materials with a wall or similar
23 means that prevents the commingling of prohibited and nonprohibited materials or if the product
24 containing ingredients prohibited from use in ruminant livestock feeds pursuant to the Code of

1 Federal Regulations, 21 C.F.R. 589,2000 as amended to March 1, 2001, is contained in bags,
2 packages, or closed containers.

3 Section 3. That ARSD 12:53:01:16 be amended to read as follows:

4 12:53:01:16. Any person who transports or stores bulk ruminant livestock feed for further
5 distribution or for his own use, may not handle in bulk any prohibited animal proteins in any
6 distribution equipment, or store in the same building with bulk ruminant livestock feeds or
7 materials for the production of ruminant livestock feeds, any ingredient or product containing
8 an ingredient that is prohibited from use in ruminant livestock feeds pursuant to the Code of
9 Federal Regulations, 21 C.F.R. 589.2000, as amended to March 1, 2001. Storage may occur in
10 the same building if there is a physical separation of prohibited and nonprohibited materials with
11 a wall or similar means that prevents the commingling of prohibited and nonprohibited materials.
12 Ingredients prohibited from use in ruminant livestock feeds pursuant to the Code of Federal
13 Regulations, 21 C.F.R. 589,2000, as amended to March 1, 2001, may be transported or handled
14 in distribution and milling equipment if that equipment has been adequately cleaned in a manner
15 consistent with the Code fo Federal Regulations, 21 C.F.R. 589.2000, as amended to March 1,
16 2001, to avoid contamination of ruminant livestock feeds.