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Sixty-fifth
Legislative Assembly
of North Dakota

FIRST DRAFT:
Prepared by the Legislative Council staff for the
Agriculture and Natural Resources Committee
May 2016

Introduced by

A BILL for an Act

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-14-01 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-01~~4.1-53-01. Definitions.

As used in this chapter:

1. "Commissioner" means the agriculture commissioner.
2. "Livestock medicine" ~~includes~~means all devices, remedies, cures, tonics, powders, proprietary medicines, type A medicated articles, and similar preparations for the treatment or prevention of any disease of livestock, poultry, or other domestic animals which are administered internally for their stimulating, invigorating, curative, or other than nutritive powers, and also all powders, sprays, dips, and other preparations for external use in the curing of ~~scab~~scabs or the eradication of ticks, lice, and other mites and parasites on livestock, poultry, or other domestic animals. The term does not include medicines ~~which~~that are manufactured, sold, or recommended primarily for human use.
3. "Type A medicated article" ~~includes~~means a product with standardized potency containing one or more new animal drugs intended for use in the manufacture of another medicated article or a medicated feed.

SECTION 2. AMENDMENT. Section 19-14-02 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-02~~4.1-53-02. Registration of livestock medicine.

The commissioner shall register any livestock medicine that does not violate this chapter, upon the completion of an application ~~of~~by the manufacturer or distributor of the livestock

medicine and the payment of the registration fee prescribed in section ~~19-14-04, shall register any livestock medicine that does not violate this chapter~~4.1-53-04. ~~Registration covers~~Registration of livestock medicine is valid for a two-year period beginning July first and ending June thirtieth of every even-numbered year unless it is canceled ~~sooner~~by the commissioner because a change is made in the ingredients or formula of ~~manufacture~~the livestock medicine or in the name, brand, or trademark under which the medicine is sold. In the event of any change, the medicine must once again be registered ~~anew in the same manner as upon~~through an original application with the commissioner.

The certificate of registration must include a disclosure of the name and quantity or proportion of each active ingredient and the names of the inert ingredients or fillers.

SECTION 3. AMENDMENT. Section 19-14-03 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-03~~4.1-53-03. Regulations for sale.

~~No~~A person may not sell, offer~~, or~~ for sale, expose for sale, ~~have in possession~~or possess with the intent to sell, any livestock medicine:

1. Which is sold under a name, brand, trademark, or labeling ~~which~~that is misleading, deceptive, ~~or~~ false, or ~~which is~~ dangerous to animals under the conditions of use prescribed in the labeling or advertising ~~thereof.~~;
2. Which purports to cure any infectious disease of domestic animals for which no genuine cure is known~~.~~;
3. Which has not been registered by the commissioner for sale in this state~~. The certificate of registration must include a disclosure of the name and quantity or proportion of each active ingredient and the names of the inert ingredients or fillers.~~;
4. Which does not have printed or written upon the label of each package sold at retail, in type not less than one-fourth the size of the largest type on the package:
   a. The common name, in English, of all active ingredients in the order of their predominance in the product;
   b. A statement of the actual percentage or relative amounts of each ingredient active and inert~~. In the case of certain products (such as coated medicinal tablets), it may be impractical to state the quantity or proportion of inert~~

~~ingredients and~~, unless exemptions ~~must be~~are established by rules adopted by the commissioner;

c. The net contents, by weight, measure, or numerical count of the package;

d. The name and principal address of the manufacturer or person responsible for placing the livestock medicine on the market; and

e. Complete and explicit directions for use of the medicine.

5. When the contents of the package as originally manufactured have been removed in whole or in part, and other contents have been placed in ~~such~~the package.

SECTION 4. AMENDMENT. Section 19-14-04 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-04~~4.1-53-04. Registration fee.

~~Prior~~A registration fee of forty dollars must be paid to the agriculture commissioner for each livestock medicine that is registered prior to each two-year registration ending June thirtieth of every even-numbered year~~, a registration fee of forty dollars must be paid to the agriculture commissioner for each livestock medicine that is registered~~. ~~A person submitting an~~An application for registration which is received by the commissioner after July thirty-first of ~~that~~the year in which the application is due shall ~~pay~~be assessed an additional late registration fee of ten dollars.

SECTION 5. AMENDMENT. Section 19-14-05 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-05~~4.1-53-05. Commissioner may cancel registration.

The commissioner may cancel the registration of any livestock medicine that is sold ~~subsequent to its registration~~ in violation of this chapter. ~~The commissioner may cancel the registration whenever a change is made in the ingredients or formula of the manufacture or in the name, brand, or trademark under which the medicine is sold, unless the medicine has been reregistered.~~

SECTION 6. AMENDMENT. Section 19-14-06 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-06~~4.1-53-06. Commissioner may adopt rules, take testimony, grant public hearings.

The commissioner may adopt rules, pursuant to chapter 28-32, governing applications for registration, the submission of samples for analysis, and all other matters necessary to give effect to this chapter. The commissioner may take expert and other testimony whenever the commissioner deems testimony advisable and, upon request, shall grant a public hearing prior to the cancellation of a registration and also to any manufacturer or distributor whose request for registration of any livestock medicine has been denied.

SECTION 7. AMENDMENT. Section 19-14-07 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-07~~4.1-53-07. Enforcement of chapter.

The commissioner shall enforce this chapter ~~by~~through inspection, chemical analysis, and any other appropriate method. All samples for analysis must be taken from stocks held within, or intended for sale in, this state. The commissioner may require any manufacturer or distributor applying for registration of a livestock medicine to supply samples of the medicine for analysis. The commissioner may institute ~~such~~any action at law or in equity as may appear necessary to enforce compliance with the provisions of this chapter, and in addition to any other remedy, may apply to the district court for relief by injunction, mandamus, or any other appropriate remedy in equity. In such actions, the commissioner is not required to give or post bond in any action to which the commissioner is a party whether upon appeal or otherwise.

SECTION 8. AMENDMENT. Section 19-14-08 of the North Dakota Century Code is amended and reenacted as follows:

~~19-14-08~~4.1-53-08. Penalty - Criminal - Civil.

~~Any~~It is a class B misdemeanor for any person ~~who violates~~to willfully violate any of the provisions of this chapter or any rule adopted pursuant to this chapter, or who willfully and falsely represents that any livestock medicine is registered for sale in this state ~~when in fact it is not so registered, is guilty of a class B misdemeanor~~. ~~In addition to the criminal penalty provided in this section~~Additionally, a person who violates a provision of this chapter or a rule adopted pursuant to this chapter is subject to a civil penalty not to exceed five hundred dollars per violation. Each day of noncompliance constitutes a separate violation for purposes of penalty

1 assessments. The civil penalty may be imposed by a court in a civil proceeding or by the
2 agriculture commissioner through an administrative hearing pursuant to chapter 28-32.