CHAPTER 2023-185

Committee Substitute for House Bill No. 959

An act relating to dosage form animal health products; amending s. 580.031, F.S.; providing a definition; amending s. 580.051, F.S.; providing an exception from guaranteed analysis requirements for products sold solely as dosage form animal products; providing labeling requirements for dosage form animal products; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (9) through (24) of section 580.031, Florida Statutes, are renumbered as subsections (10) through (25), respectively, and a new subsection (9) is added to that section to read:

580.031 Definitions of words and terms.—As used in this chapter, the term:

(9) "Dosage form animal product" means a feedstuff that includes any product intended to affect the structure or function of the animal's body other than by providing nutrition to the animal.

(a) The term includes oils, tinctures, capsules, tablets, liquids, and chewables.

(b) The term does not include:

1. Minerals or vitamins;

2. Products represented as a primary meal for the intended animal species;

3. Products intended as a treat;

4. Dental products providing mechanical or abrasive action or both; or

5. Drugs, biologics, parasiticides, medical devices, or diagnostics used to treat, or administered to, animals pursuant to:

a. The United States Food and Drug Administration Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq., as amended;

b. The United States Department of Agriculture federal Virus-Serum-Toxin Act, 21 U.S.C. ss. 151 et seq., as amended; or

c. The United States Environmental Protection Agency Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. ss. 136 et seq., as amended.

Except as provided by law or rule, all terms used in connection with commercial feed or feedstuff have the meanings ascribed to them by the Association of American Feed Control Officials.

Section 2. Subsection (1) of section 580.051, Florida Statutes, is amended to read:

580.051 Labels; requirements; penalty.—

(1) Any commercial feed or feedstuff distributed in this state, except a customer-formula feed and feed distributed through an integrated poultry operation or by a cooperative to its members, shall be accompanied by a legible label bearing all information required by the federal Food and Drug Administration and the following information:

(a) An accurate statement of the net weight.

(b) The name and principal address of the registrant.

(c) The brand name and product name, if any, under which the commercial feed is distributed. The word "medicated" shall be incorporated as part of the brand or product name if the commercial feed contains a drug.

1. The department may require feeding directions and precautionary statements to be placed on the label for the safe and effective use of medicated and other feed as deemed necessary.

2. Labels on medicated feed shall include all of the following:

a. Any feeding directions prescribed by the department to ensure safe usage.

b. The stated purpose of the medication contained in the feed as stated in the claim statement.

c. The established name of each active drug ingredient.

d. The level of each drug used in the final mixture expressed in metric units as well as the required avoirdupois.

(d) The date of manufacture or expiration date of commercial feed sold at retail as the department may by rule require.

(e) The guaranteed analysis stated in terms that advise the consumer of the composition of the feed or feedstuff or support claims made in the labeling. In all cases, the elements or compounds listed in the analysis must be determinable by laboratory methods approved by the department. However, products sold solely as dosage form animal products and guaranteed as specified in this section need not show a guaranteed analysis.

1. The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of

crude fiber and, when more than 10 percent mineral ingredients are present, the minimum or maximum percentages of mineral elements or compounds as provided by rule.

2. Vitamin ingredients, when guaranteed, shall be shown in amounts and terms provided by rule. For mineral feed, the list shall include the following: maximum or minimum percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine (F) if ingredients used as sources of any of these constituents are declared. All mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient shall be classified as mineral or vitamin supplements. Products sold solely as mineral or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fiber.

3. Other nutritional substances or elements determinable by laboratory methods may be guaranteed by permission of, or shall be guaranteed at the request of, the department as may be provided by rule.

(f) The common or usual name of each ingredient used in the manufacture of the commercial feed; however, for all commercial feed except horse feed, the department by rule may permit the use of collective terms for a group of ingredients which perform a similar nutritional function.

(g) A label on a dosage form animal product must contain all of the following:

1. An accurate statement of the net weight.

2. The name and principal address of the registrant.

3. The brand name and product name, if any, under which the dosage form animal product is distributed.

4. The date of manufacture or expiration date of the dosage form animal product sold at retail as the department may by rule require.

5. The amount of each active ingredient per serving.

6. The common or usual name of each inactive ingredient contained in the dosage form animal product.

7. A statement that identifies how the dosage form animal product supports the structure or function of the animal.

8. Precautionary statements and warnings required to ensure the safe and effective use of the dosage form animal product.

9. Recommended dosage by animal weight.

10. The statement "Not for human consumption."

Section 3. This act shall take effect October 1, 2023.

Approved by the Governor June 2, 2023.

Filed in Office Secretary of State June 2, 2023.