



STATE OF NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
600 E. BOULEVARD AVE, DEPT 602
BISMARCK, ND 58505-0020

DOUG GOEHRING
COMMISSIONER

January 8, 2024

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to **Adopt, Amend, and Repeal** Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,



Doug Goehring
Agriculture Commissioner

Enclosures

FULL NOTICE OF INTENT TO ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES RELATING TO DAIRY, EGGS, PET FOOD, ENVIRONMENTAL IMPACT MITIGATION, HEMP PRODUCTS, AND ANIMAL HEALTH

TAKE NOTICE that the North Dakota Department of Agriculture and the State Board of Animal Health will hold a public hearing to address proposed new N.D. Admin. Code 7-17-12-01, 7-17-13-01, 7-17-14-01, 7-19, 7-20 and 48.1-01-05-01, amendments to N.D. Admin. Code 7-03.2-01-01, 7-03.2-02-03, 7-03.2-03-07, 7-03.2-03-11, 7-03.2-04-01, 7-03.2-07-02, 7-03.2-09-01, 7-03.2-09-02, 7-03.2-09-02, 7-03.2-09-03, 7-03.2-17-01, 7-03.2-17-01, 7-11-01-03, 7-11-01-06, 7-11-01-07, 7-17-01-01, 7-17-02-01, 7-17-03-01, 7-17-05-01, 7-17-10-01, 7-17-11-01, 48.1-01-01-01, 48.1-02-01-09, 48.1-03-01-02, 48.1-03-01-03, 48.1-04-01-01, 48.1-04-01-02, 48.1-04-01-03, 48.1-04-01-04, 48.1-05-01-01, 48.1-05-01-02, 48.1-05-01-03, 48.1-05-01-04, 48.1-06-01-01, 48.1-06-01-03, 48.1-06-01-04, 48.1-07-01-01, 48.1-07-01-07, 48.1-07-01-09, 48.1-07-02-01, 48.1-07-03-01, 48.1-07-04-01, 48.1-08-01-02, 48.1-08-01-03, 48.1-08-01-04, 48.1-09-01-01, 48.1-09-01-02, 48.1-09-01-06, 48.1-09-03-01, 48.1-09-04-01, 48.1-09-05-01, 48.1-09-06-01, 48.1-10-01-01, 48.1-10-01-03, 48.1-11-01-02, 48.1-11-01-03, 48.1-11-01-04, 48.1-12-01-02, 48.1-12-01-03, and 48.1-13-01-01 and repeal of N.D. Admin. Code 7-11-01-02, 7-17-04-01, 7-17-07-01, 7-17-09-01, 48.1-01-03-01, 48.1-01-05-03, and 48.1-07-02-02 at 8:30 AM on Friday, February 16, 2023, at the Pioneer Room in the State Capitol in Bismarck. The purpose of the proposed rules, amendments, and rule repeals is to implement statute, including changes made to statute as a result of the most recent legislative session, make administrative process changes, and clarify existing code provisions as such provisions relate to the administration of the North Dakota Department of Agriculture and the North Dakota State Board of Animal Health. The proposed rules, amendments, and repeals address the following:

Rule (amended unless otherwise noted)	Description/Reason for Change
<u>7-03.2-01-01 - Amend</u>	Definitions - add defition of tester.
<u>7-03.2-02-03 - Amend</u>	Amend - to update training requirements.
<u>7-03.2-03-07 - Amend</u>	Amend - to clarify sampling equipment requirements.

<u>7-03.2-03-11 - Amend</u>	Amend - to clarify difference between packaged milk and raw milk from producer samples and provides penalty for added water at the farm.
<u>7-03.2-04-01 - Amend</u>	Amend - to clarify responsible official.
<u>7-03.2-07-02 - Amend</u>	Amend - to clarify enforcement procedures.
<u>7-03.2-09-01 - Amend</u>	Amend - to clarify frozen desserts regulations.
<u>7-03.2-09-02 - Amend</u>	Amend - to update state standard to be no more stringent than federal standard.
<u>7-03.2-09-03 - Amend</u>	Amend - to clarify resampling requirements.
<u>7-03.2-17-01 - Amend</u>	Amend - goat and sheep milk production and processing requirements.
<u>7-11-01-02 - Repeal</u>	Repeal - candler license.
<u>7-11-01-03 - Amend</u>	Amend - to clarify federal requirements and safe handling instructions.
<u>7-11-01-06 - Amend</u>	Amend - to clarify egg cleaning and sanitizer use requirements.
<u>7-11-01-07 - Amend</u>	Amend - to clarify general requirements for water used in egg production.
<u>7-17-01-01 - Amend</u>	Definitions - add and amend definitions.
<u>7-17-02-01 - Amend</u>	Amend - label format and labeling.
<u>7-17-03-01 - Amend</u>	Amend - brand and product names.
<u>7-17-04-01 - Repeal</u>	Repeal - expression of guarantees.
<u>7-17-05-01 - Amend</u>	Amend - ingredients.
<u>7-17-07-01 - Repeal</u>	Repeal - nutritional adequacy.
<u>7-17-09-01 - Repeal</u>	Repeal - statement of calorie content.
<u>7-17-10-01 - Amend</u>	Amend - descriptive terms
<u>7-17-11-01 - Amend</u>	Amend - manufacturer or distributor, name and address.

<u>7-17-12-01 - Create</u>	Create - intended use statement and nutritional adequacy claims.
<u>7-17-13-01 - Create</u>	Create - pet and specialty pet nutrition facts.
<u>7-17-14-01 - Create</u>	Create - determination of calorie content for dog and cat food.
<u>7-19 - Create</u>	Create - rules for an environmental impact mitigation program.
<u>7-20 - Create</u>	Create - rules for hemp products.
<u>48.1-01-01-01 - Amend</u>	Definition - amend to clarify official forms may be paper or electronic.
<u>48.1-01-03-01 - Repeal</u>	Repeal - penalties.
<u>48.1-01-05-01 - Create</u>	Create - to clarify state veterinarian quarantine authority.
<u>48.1-01-05-03 - Repeal</u>	Repeal - quarantines.
<u>48.1-02-01-09 - Amend</u>	Amend - to clarify nontraditional livestock category 2 and 3 auction requirements.
<u>48.1-03-01-02 - Amend</u>	Amend - to clarify final slaughter location.
<u>48.1-03-01-03 - Amend</u>	Amend - to remove an auction market.
<u>48.1-04-01-01 - Amend</u>	Amend - to clarify importation requirements for bison.
<u>48.1-04-01-02 -Amend</u>	Amend - to update importation disease testing and vaccination requirements for bison.
<u>48.1-04-01-03 - Amend</u>	Amend - to clarify disease control requirements for bison.
<u>48.1-04-01-04 - Amend</u>	Amend - to remove reference to brands for bison.
<u>48.1-05-01-01 - Amend</u>	Amend - to clarify certification requirements for importation for cattle.
<u>48.1-05-01-02 - Amend</u>	Amend - to clarify importation disease testing and vaccination requirements for cattle.
<u>48.1-05-01-03 - Amend</u>	Amend - to clarify disease control requirements for cattle.
<u>48.1-05-01-04 - Amend</u>	Amend - to remove reference to identification by brands for cattle.
<u>48.1-06-01-01 - Amend</u>	Amend - to clarify importation requirements for equine.

<u>48.1-06-01-03 - Amend</u>	Amend - to clarify disease control requirements for equine.
<u>48.1-06-01-04 - Amend</u>	Amend - to remove reference to identification by brands for equine.
<u>48.1-07-01-01 - Amend</u>	Definition - amend to remove definitions of zone 1 and zone 2; and add definition of farmed elk.
<u>48.1-07-01-07 - Amend</u>	Amend - to clarify identification requirements for farmed elk.
<u>48.1-07-01-09 - Amend</u>	Amend - to update bill of sale and transportation requirements for farmed elk.
<u>48.1-07-02-01 - Amend</u>	Amend - to update importation requirements for farmed elk.
<u>48.1-07-02-02 - Repeal</u>	Repeal - genetic purity requirements for interstate and intrastate movement requirements for farmed elk.
<u>48.1-07-03-01 - Amend</u>	Amend - to add importation disease testing requirement requirements for farmed elk.
<u>48.1-07-04-01 - Amend</u>	Amend - to update disease control requirements for farmed elk.
<u>48.1-08-01-02 - Amend</u>	Amend - to clarify importation requirements for goats.
<u>48.1-08-01-03 - Amend</u>	Amend - importation disease testing requirements goats.
<u>48.1-08-01-04 - Amend</u>	Amend - to clarify disease control requirements for Scrapie in goats.
<u>48.1-09-01-01 - Amend</u>	Definitions - to remove definitions for zone 1 and zone 2.
<u>48.1-09-01-02 - Amend</u>	Amend - to clarify categories of nontraditional livestock.
<u>48.1-09-01-06 - Amend</u>	Amend - to clarify fencing requirements for nontraditional livestock.
<u>48.1-09-03-01 - Amend</u>	Amend - to update importation disease testing requirements for nontraditional livestock .
<u>48.1-09-04-01 - Amend</u>	Amend - to clarify interstate movement requirements for nontraditional livestock.
<u>48.1-09-05-01 - Amend</u>	Amend - to clarify disease control requirements for chronic wasting disease.
<u>48.1-09-06-01 - Amend</u>	Amend - to clarify housing, health, and importation requirements for nontraditional livestock.
<u>48.1-10-01-01 - Amend</u>	Amend - to clarify importation requirements for poultry.
<u>48.1-10-01-03 - Amend</u>	Amend - to update importation disease testing requirements for poultry.

<u>48.1-11-01-02 - Amend</u>	Amend - to clarify importation requirements for sheep.
<u>48.1-11-01-03 - Amend</u>	Amend - to clarify importation disease testing requirements for sheep.
<u>48.1-11-01-04 - Amend</u>	Amend - to disease control requirements for sheep.
<u>48.1-12-01-02 - Amend</u>	Amend - to clarify importation requirements for swine.
<u>48.1-12-01-03 - Amend</u>	Amend - to clarify importation disease testing requirements for swine.
<u>48.1-13-01-01 - Amend</u>	Amend - to clarify importation requirements for dogs, cats, and ferrets.

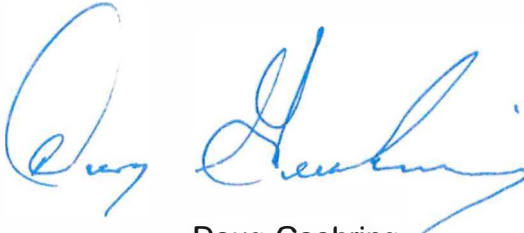
The proposed rules, amendments, and repeals is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements bill numbers 2009 and 2096, enacted during the most recent legislative session, concerning the implementation and administration of the environmental mitigation program, and the labeling, packaging, distribution, and retail of cannabinoid hemp products.

The proposed rules may be reviewed at the office of the North Dakota Department of Agriculture at 600 E. Boulevard Ave, 6th floor, Bismarck, ND 58505. A copy of the proposed rules may be requested by writing the above address or calling 701-328-4764. Written or oral comments on the proposed rules sent to the above address or telephone number and received by Wednesday, February 28, 2024, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Department of Agriculture at the above telephone number or address at least three days prior to the public hearing.

Dated this 8th day of January 2024.



Doug Goehring
Agriculture Commissioner